

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

9:00 A.M.

WEDNESDAY

April 4, 2001

MERIT DOCKET

01-126. State ex rel. Koppert v. Ohio Dept. of Natural Resources.

In Mandamus. On relator's motion for leave to amend petition. The motion is granted.

Upon consideration of relator's amended petition, it is hereby ordered that the cause be, and hereby is, dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg
Stratton, JJ., concur.

01-308. State ex rel. Bivens v. State Personnel Bd. of Review.

In Mandamus. On motion to dismiss for failure to state a claim by State Personnel Board of Review, motion to dismiss for relator's failure to state a claim by Ohio Department of Commerce and Ohio Department of Administrative Services, and amended request for oral argument. Motions to dismiss sustained. Cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg
Stratton, JJ., concur.

**DISMISSALS, SUA SPONTE, NO SUBSTANTIAL
CONSTITUTIONAL QUESTION AND DISCRETIONARY
APPEALS, IF APPLICABLE, NOT ALLOWED**

00-1908. State v. Skidmore.

Warren App. No. CA99-12-137.

01-4. State v. Petitjean.

Miami App. No. 99CA31.

01-9. Robinson v. D.E.R. Constr. Co.

Hamilton App. No. C-000102.

01-10. State v. Lute.

Lorain App. No. 99CA007431.

Pfeifer, J., dissents.

01-16. State v. Gibson.

Cuyahoga App. No. 76148.

01-18. Brinkman v. Doughty.

Clark App. No. 99CA92.

01-19. State v. Girts.

Cuyahoga App. No. 77386.

01-27. Schraff v. Harrison.

Geauga App. No. 99-G-2233.

01-35. State v. Sellers.

Franklin App. No. 00AP-1179.

01-39. State v. Fannin.

Franklin App. No. 00AP-537.

Lundberg Stratton, J., dissents.

01-42. Inserra v. J.E.M. Bldg. Corp.

Medina App. No. 2973-M.

Lundberg Stratton, J., dissents.

01-46. State v. Tebcherani.

Summit App. No. 19535.

01-47. State v. King.

Jefferson App. No. 00JE15.

01-48. Kipp v. Lorain Bd. of Edn.

Lorain App. No. 99CA007373.

01-52. State v. Hopkins.

Stark App. Nos. 2000CA00053 and 2000CA00054.

01-57. State v. Slagter.

Cuyahoga App. No. 76459.

Moyer, C.J., would allow on Propositions of Law Nos. I and II.

01-60. State v. Johnson.

Hamilton App. No. C-000090.

01-62. State v. Gaines.

Cuyahoga App. No. 77695.

01-67. State v. Mason.

Clinton App. No. CA99-11-033.

01-73. State v. Mubashshir.

Cuyahoga App. No. 77690.

01-76. Home Indemn. Co. v. Kitchen, Deery & Barnhouse.

Cuyahoga App. No. 77372.

01-77. In re Sproule.

Lorain App. No. 00CA007712.

01-84. Herman v. Ohio State Med. Bd.

Franklin App. No. 99AP-967.

01-92. Patrick T. v. Michelle L.

Wood App. No. WD-00-005.

01-100. State v. Rogers.
Cuyahoga App. No. 77723.

01-106. State v. Taborn.
Cuyahoga App. No. 77650.

01-108. State v. Mejia.
Hamilton App. No. C-000225.

01-116. State v. Jackson.
Cuyahoga App. No. 75875.
Lundberg Stratton, J., dissents.

01-122. State v. Johnson.
Columbiana App. No. 2000CO1.
Moyer, C.J., dissents.

01-128. Patterson v. Canal Place, Ltd.
Summit App. Nos. 20030 and 20045.
F.E. Sweeney, J., dissents.

01-133. Mayfield v. Minello.
Cuyahoga App. Nos. 76464 and 78086.
Moyer, C.J., and F.E. Sweeney, J., dissent.

01-138. State v. Diaz.
Hamilton App. No. C-980186.
Lundberg Stratton, J., dissents.

01-148. State v. Johnson.
Crawford App. Nos. 3200015 and 3200016.
Moyer, C.J., would allow on Proposition of Law No. IV.

01-150. Woodhill Supply, Inc. v. Szer.
Cuyahoga App. No. 75677.

01-205. State v. Sanders.
Summit App. No. 19916.

01-206. State v. Quinnie.
Cuyahoga App. No. 72580.

01-214. State v. Bankhead.
Hamilton App. No. C-990139.

01-225. State v. Jordan.
Franklin App. No. 00AP-414.

01-245. State v. Brown.
Trumbull App. No. 95-T-5349.

01-248. State v. Singleton.
Cuyahoga App. No. 76357.

MOTION DOCKET

99-1420. State ex rel. Myers v. Brown.

In Quo Warranto. On respondent's motion to strike affidavit of Brian Phillip Tyson filed on behalf of relator and response to show cause order.

IT IS HEREBY ORDERED that respondent's motion be, and hereby is, granted and that the affidavit of Brian Phillip Tyson filed on behalf of relator be, and hereby is, stricken.

Lundberg Stratton, J., dissents.

IT IS FURTHER ORDERED that respondent be, and hereby is, found not to be in contempt.

Lundberg Stratton, J., dissents.

01-396. State v. Simons.

Champaign App. No. 99CA5. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

01-416. Pilla v. Safely Home, Inc.

Cuyahoga App. No. 78164. On motion for stay of court of appeals' judgment. Motion denied.

Moyer, C.J., and Lundberg Stratton, J., dissent.

01-430. State v. Sanders.

Montgomery App. No. 18566. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., Pfeifer and Cook, JJ., dissent.

01-431. Byrd v. Krippel.

Franklin App. No. 00AP-1006. On motion for stay by Houston Byrd, Jr. Motion denied.

01-436. State v. Whatley.

Franklin App. No. 00AP-21. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

01-438. State v. Stearns.

Cuyahoga App. No. 76513. On motion for leave to file delayed appeal. Motion denied.

DISCRETIONARY APPEALS ALLOWED

00-2278. Bonacorsi v. Wheeling & Lake Erie Ry. Co.

Stark App. No. 1999CA00407.

Moyer, C.J., and Lundberg Stratton, J., dissent.

Cook, J., not participating.

00-2299. Manigault v. Ford Motor Co.

Cuyahoga App. No. 73147.

Moyer, C.J., Cook and Lundberg Stratton, JJ., dissent.

01-99. State v. Walls.

Butler App. No. CA99-10-174. Cause held for the decision in 00-1829, *State ex rel. Wehrung v. Dinkelacker*, Hamilton App. No. C-000449.

Cook, J., would allow on Proposition of Law No. I only and hold the cause for the decision in 00-1829.

F.E. Sweeney and Pfeifer, JJ., dissent.

DISCRETIONARY APPEALS NOT ALLOWED

01-8. Sennett v. Norwood.

Hamilton App. No. C-990921.

01-22. State ex rel. Asher v. Hogan.

Hamilton App. No. C-000623.

01-28. State v. Howard.

Lucas App. No. L-95-183.

Resnick, J., not participating.

01-29. Gurich v. Janson.

Ashtabula App. No. 99-A-0006.

01-30. State v. Bowling.

Trumbull App. No. 2000-T-0003.

01-34. Spring Industries, Inc. v. Nicolozakes.

Tuscarawas App. No. 2000AP010001.

01-37. Spring Industries, Inc. v. Nicolozakes.

Tuscarawas App. No. 99AP120075.

01-43. Massara v. Henry.

Summit App. No. 19646.

01-49. Porter v. Metaullics Sys. Co., LP.

Cuyahoga App. No. 77625.

01-69. State v. Johnson.

Hamilton App. Nos. C-000018 and C-000037.

01-70. Dobos v. Community Ins. Co.

Cuyahoga App. No. 77243.

Resnick, J., dissents.

01-78. Bridgeman v. G.A. Simons, Inc.

Tuscarawas App. No. 2000AP060047.

Douglas and F.E. Sweeney, JJ., dissent.

01-93. Schottenstein v. Schottenstein.

Franklin App. No. 00AP-285. On motion for determination that appeal is moot by Jill Schottenstein and motion to dismiss by Jill Schottenstein. Motions denied and discretionary appeal denied.

01-98. Slack v. Henry.

Scioto App. No. 00CA2704.

Lundberg Stratton, J., would allow on Proposition of Law No. I.

Moyer, C.J., would allow.

01-166. State v. Jordon.

Hamilton App. No. C-000365.

01-181. State v. Taylor.

Hamilton App. No. C-000406.

RECONSIDERATION DOCKET

00-2115. State v. Swingle.

Summit App. No. 19746. Reported at 91 Ohio St.3d 1445, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

00-2117. Bardes v. Todd.

Hamilton App. No. C-000055. Reported at 91 Ohio St.3d 1445, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

00-2118. State v. Clary.

Franklin App. No. 99AP-1465. Reported at 91 Ohio St.3d 1445, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

Lundberg Stratton, J., dissents and would decide this cause on the authority of *State v. Eppinger* (2001), 91 Ohio St.3d 158, ___ N.E.2d ___.

00-2179. State v. Nutt.

Franklin App. No. 00AP-190. Reported at 91 Ohio St.3d 1446, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

Moyer, C.J., Cook and Lundberg Stratton, JJ., dissent.

00-2183. Natl. City Bank v. Victor Bldg. Co.

Lucas App. No. L-99-1311. Reported at 91 Ohio St.3d 1446, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

Resnick, J., not participating.