

**SUPREME COURT OF OHIO**

**COLUMBUS**

**ANNOUNCEMENT**

1:00 P.M.

WEDNESDAY  
April 11, 2001

**MERIT DOCKET**

**01-355. State ex rel. Ross v. Ghee.**

In Mandamus. On answer of respondent. On S.Ct.Prac.R. X(5) determination, cause dismissed.

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

**01-405. Douglas v. Henson.**

In Procedendo. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

**01-471. Gilbert v. Croft.**

In Habeas Corpus. On petition for writ of habeas corpus by Cal Gilbert. *Sua sponte*, cause dismissed.

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

**01-473. Hagler v. Carter.**

In Habeas Corpus. On petition for writ of habeas corpus by Etienne Hagler. *Sua sponte*, cause dismissed.

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

**01-490. Bristow v. Carter.**

In Habeas Corpus. On petition for writ of habeas corpus by Lonny Lee Bristow. *Sua sponte*, cause dismissed.

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

Cook, J., not participating.

**01-515. Barker v. Carter.**

In Habeas Corpus. On petition for writ of habeas corpus by Jason Barker. *Sua sponte*, 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**

**00-2160. State v. Spurlock.**

Montgomery App. No. 17954.

**01-65. State v. Killings.**

Hamilton App. No. C-000061.

**01-85. State v. Williams.**

Lucas App. Nos. L-00-1027 and L-00-1028.

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

Resnick, J., not participating.

**01-89. In re Absher Children.**

Butler App. No. CA-2000-03-057.

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

**01-96. Sain v. Roo.**

Franklin App. No. 99AP-1459.

**01-97. State v. McNeir.**

Lucas App. No. L-99-1406.

**01-107. Cross-Cireddu v. David J. Rossi Co., L.P.A.**

Cuyahoga App. No. 77268.

**01-109. Audia v. Rossi Bros. Funeral Home, Inc.**

Mahoning App. No. 98CA181.

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

**01-114. Sabin v. Ansorge.**

Lake App. No. 99-L-158.

**01-123. State v. Lewis.**

Hamilton App. No. C-000217.

**01-125. State v. Paige.**

Mahoning App. No. 98CA89.

**01-130. State v. Davis.**

Clark App. No. 2000CA16.

**01-131. Curtis v. Curtis.**

Hamilton App. Nos. C-000330 and C-000358.

**01-135. State v. Reid.**

Summit App. No. 20075.

Lundberg Stratton, J., dissents.

**01-141. State v. Williams.**

Cuyahoga App. No. 76816.

Lundberg Stratton, J., dissents.

**01-145. State v. Underwood.**

Meigs App. No. 00CA25.

**01-156. State v. Hartman.**

Hamilton App. No. C-000129.

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

**01-168. State v. Zeffer.**

Summit App. Nos. 19893 and 19963.

**01-169. Rocky River v. Kline.**

Cuyahoga App. No. 77057.

Moyer, C.J., would allow on Proposition of Law No. III.

**01-174. Briggs v. Glenbeigh Health Serv.**

Cuyahoga App. Nos. 77395 and 77665.

**01-177. State v. Toddy.**

Ashtabula App. No. 99-A-0054.

Moyer, C.J., would allow on Proposition of Law No. I.

Cook, J., would allow.

**01-186. State v. Blackburn.**

Franklin App. No. 00AP-659.

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

**01-187. State v. Dickenson.**

Franklin App. No. 00AP-372.

Lundberg Stratton, J., dissents.

**01-193. State v. Cowperthwaite.**

Hamilton App. No. C-000347.

**01-295. In re Absher.**

Cuyahoga App. No. 77195.

**01-306. Lane v. Mentor.**

Lake App. No. 99-L-045.

Lundberg Stratton, J., dissents.

**01-335. Vagianos v. Halpern.**

Cuyahoga App. No. 76408.

**01-341. Edwards v. Grant Anesthesia Assoc., Inc.**  
Franklin App. No. 99AP-1364.

**01-365. State v. Briggs.**  
Butler App. No. CA2000-12-240.

**01-373. State v. English.**  
Lorain App. No. 99CA007305.

**01-393. State v. Adelman.**  
Summit App. No. 18824.

**01-403. State v. Purnell.**  
Lucas App. No. L-92-392.  
Resnick, J., not participating.

**01-479. In re Day.**  
Franklin App. No. 00AP-1191.

### **MOTION DOCKET**

**00-1405. State ex rel. Stys v. Parma Community Gen. Hosp. Assn.**

In Mandamus. On relators' motion to strike portion of respondents' evidence, respondents' motion to strike affidavit of Gerald W. Phillips or, alternatively, for leave to depose Phillips, and relators' and respondents' requests for oral argument.

IT IS ORDERED that relators' motion to strike be, and hereby is, granted in part and that exhibits 7 and 8 of respondents' evidence be, and hereby are, stricken. Relators' motion to strike exhibits 3, 4, 5, and 6 of respondents' evidence is denied.

Lundberg Stratton, J., would deny the motion to strike.

IT IS FURTHER ORDERED that respondents' motion to strike be, and hereby is, denied.

IT IS FURTHER ORDERED that relators' and respondents' motions for oral argument be, and hereby are, granted and that the cause be scheduled for oral argument.

**00-1554. Day v. Middletown-Monroe City School Dist.**

Butler App. No. CA99-11-186. On motion pursuant to S.Ct.Prac.R. XIV(6)(A) for a settlement conference. Motion granted.

**00-1705. Cincinnati v. Beretta U.S.A. Corp.**

Hamilton App. Nos. C-990729, C-990814 and C-990815. On motion for admission *pro hac vice* by Jean M. Geoppinger for Dennis A. Henigan and Jonathan E. Lowy. Motion granted.

**00-1984. Aetna Cas. & Sur. Co. v. Goodyear Tire & Rubber Co.**

Summit App. No. 19121. On motion for admission *pro hac vice* of Michael J. Baughman by J.W. Barnhouse on behalf of U.S. Fire Insurance Company et al. Motion granted.

Cook, J., not participating.

**01-317. State v. Biros.**

Trumbull App. No. 91-T-4632. On motion for appointment of counsel. Motion denied.

**01-469. State v. Daggett.**

Summit App. No. 20328. On motion for leave to file delayed appeal. Motion denied.

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

**01-470. State v. Shelton.**

Hamilton App. No. C-990391. On motion for leave to file delayed appeal. Motion denied.

**01-476. State v. Smith.**

Lorain App. No. 99CA007387. On motion for leave to file delayed appeal. Motion denied.

**01-489. State v. Warnement.**

Miami App. No. 00CA13. On motion for stay of court of appeals' judgment and motion for reasonable bail pending appeal. Motions denied.

F.E. Sweeney, J., would grant the motions and set bond at \$10,000.

**DISCRETIONARY APPEALS ALLOWED**

**01-20. Mid-America Tire, Inc. v. PTZ Trading Ltd.**

Clermont App. No. CA99-11-105. On motion for admission *pro hac vice* of Bart Rinn by Paul S. Turner and on motion for admission *pro hac vice* of Carl D. Liggio by Paul S. Turner. Motions granted.

F.E. Sweeney, J., dissents.

Discretionary appeal allowed.  
F.E. Sweeney, J., dissents.  
Discretionary cross-appeal allowed.  
F.E. Sweeney and Cook, JJ., dissent.

**01-63. Norgard v. Brush Wellman, Inc.**

Cuyahoga App. No. 77594.

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

**01-83. Carroll v. Nationwide Mut. Ins. Co.**

Holmes App. No. 99CA016. Discretionary appeal allowed on Propositions of Law Nos. I and II and cause held for the decision in 00-745 and 00-801, *Littrell v. Wigglesworth*, Butler App. Nos. CA99-05-092 and CA99-08-141; briefing schedule stayed.

Douglas and Lundberg Stratton, JJ., dissent.

**DISCRETIONARY APPEALS NOT ALLOWED**

**00-2097. State v. Wynn.**

Hamilton App. No. C-000575.

**01-80. Warner v. Warner.**

Cuyahoga App. No. 77068.

**01-94. Piedmont Corp. v. Midwestern Indemn. Co.**

Wood App. No. WD-00-018.

**01-104. Liotta v. Rainey.**

Cuyahoga App. No. 77396.

F.E. Sweeney, J., dissents.

**01-111. Nobles v. Ohio Dept. of Rehab. & Corr.**

Franklin App. No. 00AP-200.

**01-124. Golonka v. Bethel Twp. Bd. of Trustees.**

Miami App. No. 2000CA33.

**01-127. Panta v. Yellow Cab Co. of Cleveland.**

Cuyahoga App. No. 77286.

**01-132. Harrison v. Franklin Cty. Sheriff's Dept.**  
Franklin App. No. 00AP-240.

**01-134. Denlinger v. Columbus Pub. Schools.**  
Franklin App. No. 00AP-315.

**01-137. Immediate Pharmaceutical Serv., Inc. v. Superior Metal Products, Inc., Employee Benefits Trust.**  
Allen App. No. 1200049.  
Moyer, C.J., not participating.

**01-149. State v. McGill.**  
Greene App. No. 99CA25.

**01-153. Battaglia v. Newbury Twp. Bd. of Zoning Appeals.**  
Geauga App. No. 99-G-2256.  
F.E. Sweeney, J., dissents.

**01-155. State v. Ackison.**  
Fairfield App. No. 99CA8.

**01-163. Union Twp. Bd. of Trustees v. Planned Dev. Co. of Ohio.**  
Butler App. No. CA2000-06-109.

**01-164. Hunter v. Columbus.**  
Franklin App. No. 00AP-463.

**01-167. Hansen v. Landaker.**  
Franklin App. Nos. 99AP-1117 and 99AP-1118.

**01-188. Ohio Dept. of Adm. Serv. v. Moody/Nolan Ltd., Inc.**  
Franklin App. No. 00AP-336.  
Moyer, C.J., dissents.

**01-189. Dayton Power & Light Co. v. Jones.**  
Franklin App. Nos. 00AP-602 and 00AP-603.  
Douglas and Lundberg Stratton, JJ., dissent.

**01-219. Direct Transit, Inc. v. Ohio Bur. of Workers' Comp.**  
Franklin App. No. 96AP-1400.

**01-231. Alan v. Ginsburg.**  
Medina App. No. 3050-M.

**01-242. State v. Parson.**  
Hamilton App. No. C-990404.  
Lundberg Stratton, J., dissents.

**01-243. Alberty v. J.C. Partners Ltd.**  
Cuyahoga App. No. 78060.

**01-274. Matheney v. Van Horn.**  
Franklin App. No. 00AP-719.  
F.E. Sweeney, J., dissents.

**01-316. State v. Elms.**  
Hamilton App. No. C-000327.

**01-328. Delaware Cty. Sheriff's Office v. Ohio Patrolmen's Benevolent Assn.**  
Delaware App. No. 00CAH03005.

### **RECONSIDERATION DOCKET**

**00-1781. State ex rel. Swingle v. Zaleski.**  
Summit App. No. 20168. Reported at 91 Ohio St.3d 82, \_\_\_ N.E.2d \_\_\_. On  
motion for reconsideration. Motion denied.