

**SUPREME COURT OF OHIO**

**COLUMBUS**

**ANNOUNCEMENT**

9:00 A.M.

WEDNESDAY  
June 27, 2001

**MERIT DOCKET**

**01-301. Natl. Elec. Contrs. Assn. v. Pub. Util. Comm.**

Public Utilities Commission, Nos. 99-1212-EL-ETP, 99-1213-EL-ATA and 99-1214-EL-AAM. On motion for leave to intervene by FirstEnergy Corp. Motion granted.

Cook, J., not participating.

On motion to consolidate case Nos. 00-2010, 00-2210 and 01-301. Motions denied as moot because these cases have been dismissed.

Cook, J., not participating.

On motion to dismiss by Public Utilities Commission of Ohio. Motion to dismiss sustained. Cause dismissed.

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

Pfeifer, J., dissents.

Cook, J., not participating.

**01-731. State ex rel. Chebib v. Mason.**

In Mandamus. 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.

**01-834. State ex rel. Butcher v. McGough.**

In Mandamus. On motion to strike. Motion denied.

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.

**01-991. Lazaroff v. Sillett.**

In Habeas Corpus. On petition for writ of habeas corpus of Chris Sillett. *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**

**01-26. State v. Montgomery.**

Franklin App. No. 99AP-750.

Lundberg Stratton, J., dissents.

**01-624. State v. Leach.**

Clermont App. No. CA2000-05-033.

**01-631. State v. Mitchell.**

Lucas App. No. L-00-1193.

Pfeifer, J., dissents.

Resnick, J., not participating.

**01-635. Hill v. McClendon.**

Cuyahoga App. No. 76871.

**01-636. State v. Blankenship.**

Clermont App. No. CA2000-04-025.

Cook, J., dissents.

**01-641. State v. Totten.**

Franklin App. No. 00AP-535.

**01-644. State v. Walker.**

Stark App. No. 2000CA00155.

**01-647. State v. Smith.**

Lorain App. No. 96CA006331.

**01-654. State v. Kersey.**

Hamilton App. No. C-000283.

**01-660. State v. Ramirez-Garcia.**

Butler App. No. CA2000-01-010.

**01-661. State v. Smith.**

Lucas App. No. L-99-1310.

Cook, J., dissents.

Resnick, J., not participating.

**01-662. State v. Meyer.**

Hamilton App. Nos. C-000288, C-000289 and C-000290.

**01-663. Gerber v. Chander, Inc.**

Cuyahoga App. No. 77649.

Pfeifer, J., dissents.

**01-664. State v. Givens.**

Stark App. No. 2000CA00142.

**01-668. State v. Wallace.**

Franklin App. No. 00AP-866.

**01-670. State v. Ashford.**

Trumbull App. No. 99-T-0015.

**01-673. State v. Keenan.**

Cuyahoga App. No. 77480.

**01-674. Save the Lake v. Schregardus.**

Franklin App. Nos. 00AP-532 and 00AP-533.

Moyer, C.J., Douglas and Resnick, JJ., dissent.

**01-675. State v. McNeir.**  
Lucas App. No. L-99-1406.

**01-677. State v. Norris.**  
Stark App. No. 2000CA00235.

**01-688. State v. Ramjit.**  
Cuyahoga App. No. 77337.

**01-689. Jackson v. Am. Lubricant Co.**  
Montgomery App. No. 18482.

**01-695. State v. Deer.**  
Lawrence App. No. 00CA24.

**01-696. State v. Dimitrov.**  
Cuyahoga App. No. 76986.

**01-697. Graley v. Yellow Freight Sys., Inc.**  
Summit App. No. 19802.

**01-698. State v. Welling.**  
Stark App. No. 2000CA00258.

**01-700. In re Milgrim.**  
Cuyahoga App. No. 77510.

**01-705. State v. Mason.**  
Ashland App. No. 00COA01373.

**01-706. State v. Williams.**  
Allen App. No. CA99-11-0086.

**01-708. State v. Jones.**  
Miami App. No. 2000CA35.

**01-714. State v. Walker.**  
Seneca App. No. 13200026.

**01-715. State v. Beck.**

Ottawa App. No. OT-00-010.

Resnick, J., not participating.

**01-718. State v. Carter.**

Stark App. No. 2000CA00277.

Lundberg Stratton, J., dissents.

**01-724. State v. Goff.**

Clinton App. No. CA2000-05-014.

**01-727. Shaker Hts. v. Robinson.**

Cuyahoga App. No. 78353.

**01-730. State v. Studer.**

Stark App. No. 2000CA00180.

**01-732. State v. Ginnis.**

Mahoning App. No. 00CA100.

**01-735. State v. Leach.**

Medina App. No. 3068-M.

**01-740. Ryan v. Columbus.**

Franklin App. No. 00AP-910.

Douglas, J., dissents.

Cook, J., dissents and would hold this cause for the decision in 00-1901, *Taddeo v. Estate of Ellis*, Lorain App. No. 99CA007445.

**01-753. In re Jones.**

Miami App. No. 00CA56.

Moyer, C.J., Cook and Lundberg Stratton, JJ., dissent and would vacate the judgment of the court of appeals and remand this cause on authority of *In re Anderson* (2001), 92 Ohio St.3d 63, \_\_\_ N.E.2d \_\_\_.

**01-755. Peskin v. Seasons Health Care L.P.**

Hamilton App. No. C-000367.

Moyer, C.J., dissents.

**01-758. State v. Thigpen.**

Stark App. No. 1997CA00284.

**01-759. State v. Morris.**

Montgomery App. No. 18321.

Lundberg Stratton, J., dissents.

**01-766. State v. Pease.**

Hamilton App. No. C-000473.

Lundberg Stratton, J., dissents.

**01-771. State v. Stanford.**

Hamilton App. No. C-000471.

Lundberg Stratton, J., dissents.

**01-779. State v. Galloway.**

Lucas App. No. L-90-056.

Resnick, J., not participating.

**01-780. State v. Martin.**

Cuyahoga App. No. 73455.

**01-783. State v. Twyman.**

Summit App. No. 20489.

**01-786. Alliance v. Zellweger.**

Stark App. No. 2000CA00093.

Douglas and Pfeifer, JJ., dissent.

**01-787. State v. Buchanan.**

Summit App. No. 14779.

**01-791. Sherlock Homes, Inc. v. Wilcox.**

Union App. No. 14200042.

**01-794. State v. Johnson.**

Franklin App. No. 00AP-763.

**01-795. State v. Atkinson.**

Franklin App. Nos. 00AP-892 and 00AP-893.

**01-812. State v. Neidler.**

Sandusky App. No. S-00-018.

**01-850. State v. Wilson.**

Franklin App. No. 99AP-1259.

Lundberg Stratton, J., dissents.

**01-856. State v. Davis.**

Franklin App. Nos. 97APA08-1020 and 97APA08-1021.

**01-876. State v. Hafford.**

Hamilton App. No. C-000393.

**01-914. In re Ament.**

Clermont App. No. CA2000-09-076.

**MOTION DOCKET**

**86-512. State v. Byrd.**

Hamilton App. No. C-830676. On motion to set briefing schedule. Motion denied.

**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 Thomas R. Schuck for Jeffrey S. Nelson. 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 Edward M. Kay for AIU Insurance Co. et al. by Andrew J. Dorman, motion for admission *pro hac vice* of Margaret J. Orbon for AIU Insurance Co. et al. by Andrew J. Dorman, and motion for admission *pro hac vice* of Amy Rich Paulus for AIU Insurance Co. et al. by Andrew J. Dorman. Motions granted.

Cook, J., not participating.

**01-268. Indus. Energy Users-Ohio v. Pub. Util. Comm.**

Public Utilities Commission, Nos. 00-02-EL-ETP, 99-1212-EL-ETP, 99-1213-EL-ATA, 99-1214-EL-AAM, 99-1658-EL-ETP, 99-1659-EL-ATA, 99-1660-EL-ATA, 99-1661-EL-AAM, 99-1662-EL-AAM, 99-1663-EL-UNC, 99-1687-EL-ETP, 99-1688-EL-AAM, 99-1689-EL-ATA, 99-1729-EL-ETP and 99-1730-EL-ETP. On motion for admission *pro hac vice* of David C. Rinebolt by Michael Smalz for AARP et al. Motion granted.

**01-894. State v. White.**

Clinton App. No. CA99-09-025. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**01-898. State v. Perry.**

Lorain App. No. 00CA007634. On motion for leave to file delayed appeal. Motion denied.

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

**01-926. State v. Coleman.**

Cuyahoga App. No. 77855. On motion for leave to file delayed appeal. Motion denied.

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

**01-934. Phelps v. Swift.**

Columbiana App. No. 00CO42. On motion for stay of judgment pending appeal. Motion denied.

**01-975. State v. Bowman.**

Montgomery App. No. 18176. On motion for leave to file delayed appeal. Motion denied.

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

**01-990. Danforth v. Danforth.**

Cuyahoga App. No. 78010. On motion for stay of court of appeals' judgment. Motion denied.

**01-999. State v. Wilson.**

Cuyahoga App. No. 77758. On motion for leave to file delayed appeal. Motion denied.

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



**01-1000. State v. Batton.**

Lorain App. No. 96CA006505. On motion for leave to file delayed appeal.  
Motion denied.

Douglas, J., dissents.

**DISCRETIONARY APPEALS ALLOWED**

**01-512. Tallal v. Bank One, N.A.**

Summit App. No. 19592.

Resnick and Cook, JJ., dissent.

**01-588. Gibson v. Drainage Products, Inc.**

Paulding App. No. 11-99-14.

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

**01-615. Internatl. Periodical Distrib. v. Bizmart, Inc.**

Cuyahoga App. No. 77787.

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

**DISCRETIONARY APPEALS NOT ALLOWED**

**01-621. Teamsters Local Union No. 507 v. NASCO Industries, Inc.**

Medina App. No. 3151-M.

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

**01-622. Tinnes v. Immobiliaire IV, Ltd.**

Franklin App. No. 00AP-87.

**01-659. Cosby v. Cosby.**

Butler App. No. CA99-11-92.

Resnick, Pfeifer and Cook, JJ., dissent.

**01-665. W. 11<sup>th</sup> Street Partnership v. Cleveland.**

Cuyahoga App. No. 77327.

**01-666. Lowe v. Bassett.**

Ottawa App. No. OT-00-027.

Douglas, J., dissents.

Resnick, J., not participating.

**01-672. State v. De Amiches.**

Cuyahoga App. No. 77609.

Lundberg Stratton, J., dissents.

**01-680. State ex rel. Hilliard Commons Condominium Assn. v. Columbus.**

Franklin App. No. 00AP-367.

Douglas and Pfeifer, JJ., dissent.

**01-681. Golub Mech. Contrs., Inc. v. Univ. of Akron.**

Summit App. No. 20173.

**01-682. Presidential Estate Condo Assn. v. Slabochova.**

Mahoning App. No. 99CA126.

**01-686. Ross v. State Auto. Mut. Ins. Co.**

Licking App. No. 00CA69.

Lundberg Stratton, J., dissents.

**01-692. Bakula v. Schumacher Homes, Inc.**

Geauga App. No. 2000-G-2272.

Moyer, C.J., dissents.

**01-707. Alexander v. Cincinnati Pub. Schools Bd. of Edn.**

Hamilton App. No. C-000195.

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

**01-710. Cottrell v. Stuller.**

Coshocton App. Nos. 00CA14, 00CA15, 00CA16 and 00CA17.

Pfeifer, J., dissents.

**01-711. Ohio Dept. of Taxation v. B/G 98 Co., LLC.**

Hamilton App. No. C-000322.

Lundberg Stratton, J., dissents.

**01-716. Sharwell v. Selva.**

Cuyahoga App. No. 78396.

**01-729. Masten v. Brenick.**

Hocking App. No. 99CA8.

**01-743. DiNofrio v. Paquelet.**

Stark App. No. 2000CA00285.

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

**01-752. Sandrin v. Tobin.**

Mercer App. No. 10200016.

**01-754. Aliff v. Ohio Bur. of Emp. Serv.**

Hamilton App. No. C-000238.

Douglas and Resnick, JJ., dissent.

**01-803. Gooden v. Grange Mut. Cas. Ins. Co.**

Stark App. No. 2000CA00130.

Resnick and Pfeifer, JJ., dissent.

**01-814. Orange Village v. Tri-Star Dev. Co.**

Cuyahoga App. No. 77358.

**01-816. State v. Moody.**

Franklin App. No. 98AP-1371. Discretionary appeal and cross-appeal denied.

**01-861. Euvrard v. Christ Hosp. & Health Alliance.**

Hamilton App. No. C-000480.

F.E. Sweeney, J., dissents.

**01-882. Wolf v. Associated Materials, Inc.**

Ashland App. No. 00COA01385.

**RECONSIDERATION DOCKET**

**00-1323. Michael v. Reliance Natl. Ins. Co.**

Franklin App. No. 99AP-1002. Reported at 91 Ohio St.3d 1262, \_\_\_ N.E.2d \_\_\_\_.

On motion for reconsideration. Motion denied.

Douglas, J., dissents.

**01-161. Bruns v. Freeman Groves Ins. & Fin.**

Mercer App. No. 10200017. Reported at 91 Ohio St.3d 1508, \_\_\_ N.E.2d \_\_\_\_.

On motion for reconsideration. Motion denied.

**01-179. Ohio Dept. of Taxation v. Crabill.**

Clark App. No. 2000CA36. Reported at 91 Ohio St.3d 1508, \_\_\_\_ N.E.2d \_\_\_\_\_. On motion for reconsideration. Motion denied.

**01-198. Smith v. Dillard's Dept. Stores, Inc.**

Cuyahoga App. No. 75787. Reported at 91 Ohio St.3d 1508, \_\_\_\_ N.E.2d \_\_\_\_\_. On motion for reconsideration. Motion denied.

**01-199. Stepic v. Penton Media, Inc.**

Cuyahoga App. Nos. 77318 and 77737. Reported at 91 Ohio St.3d 1508, \_\_\_\_ N.E.2d \_\_\_\_\_. On motion for reconsideration. Motion denied.

Douglas and Resnick, JJ., dissent.