

**SUPREME COURT OF OHIO**

**COLUMBUS**

**ANNOUNCEMENT**

9:00 A.M.

WEDNESDAY  
July 25, 2001

**MERIT DOCKET**

**01-827. State ex rel. Moore v. Butler Cty. Court of Common Pleas, Juv. Div.**

In Mandamus. On motion to dismiss of Court of Common Pleas of Butler County, Juvenile Division and Court of Appeals, Butler County, Twelfth District, and motion to strike motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

**01-828. Moore v. Butler Cty. Children Serv. Bd.**

In Prohibition. On motion to dismiss and motion to strike motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

**01-940. State ex rel. Morgan v. Vincent.**

In Mandamus. On answer of respondent, motion for judgment on pleadings, and motion to dismiss. Motion to dismiss sustained. Cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer and Cook, JJ., concur.  
Lundberg Stratton, J., dissents and would grant an alternative writ.

**01-969. State ex rel. Schulte v. Ingram.**

In Prohibition. 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.

**01-972. State ex rel. Goldberg v. Cissell.**

In Mandamus. On motion to dismiss of James C. Cissell and answer of respondent Lawrence Mack. Motion to dismiss sustained. Cause dismissed.

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

**01-974. State ex rel. Smith v. Bombik.**

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.

**01-1001. State ex rel. Rembert v. Jones.**

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.

**01-1010. Morris v. Tenth Dist. Court of Appeals.**

In Prohibition. 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.

**01-1090. State ex rel. Wells v. Ghee.**

In Habeas Corpus. On petition for writ of habeas corpus of James W. Wells. *Sua sponte*, cause dismissed.

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

**01-1156. Jones v. Tate.**

In Habeas Corpus. On petition for writ of habeas corpus of David Jones. *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**

**01-277. State v. Murphy.**

Franklin App. No. 00AP-233.

**01-603. State v. Hernon.**

Medina App. No. 3081-M.

**01-723. State v. Jackson.**

Erie App. No. E-00-023.

**01-751. State v. Jonas.**

Athens App. No. 99CA38.

**01-757. State v. Griffin.**

Mahoning App. No. 00CA17.

**01-762. Howard v. Ramsey.**

Hamilton App. No. C-000503.

Douglas, J., dissents.

**01-763. State v. Melton.**

Hamilton App. No. C-000156.

**01-764. State v. Madden.**

Hamilton App. No. C-000375.

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

**01-765. State v. Pitzer.**

Hamilton App. No. C-000523.

**01-767. Clark v. Nimishillen Twp. Bd. of Trustees.**  
Stark App. No. 2000CA00310.

**01-769. Robinson v. A.W. Chesterton, Inc.**  
Cuyahoga App. No. 79133.

**01-770. Cannell v. Robert L. Bates Co.**  
Franklin App. Nos. 00AP-915, 00AP-916 and 00AP-917.  
Lundberg Stratton, J., not participating.

**01-772. Cincinnati Entertainment Assoc., Ltd. v. Hamilton Cty. Bd. of Commrs.**  
Hamilton App. No. C-000698.  
Pfeifer and Cook, JJ., dissent.

**01-773. Greenwood v. Meridith.**  
Lake App. No. 2000L052.

**01-774. State v. Caes.**  
Montgomery App. No. 17917.

**01-775. State v. Apt.**  
Lucas App. Nos. L-00-1007 and L-00-1182.  
Resnick, J., not participating.

**01-776. State v. Dietz.**  
Lorain App. No. 01CA007793.

**01-784. State v. Johnson.**  
Lucas App. Nos. L-00-1325, L-00-1326 and L-00-1327.  
Resnick, J., not participating.

**01-789. Griffin v. Davis.**  
Summit App. No. 20440.

**01-801. State v. Nichols.**  
Cuyahoga App. No. 76966.

**01-802. State v. Gates.**

Cuyahoga App. No. 75229.

**01-804. State v. Mills.**

Butler App. No. CA99-11-198.

**01-813. State v. Jamison.**

Montgomery App. No. 18509.

Lundberg Stratton, J., dissents.

**01-818. Barclay Petroleum, Inc. v. Ohio Dept. of Natural Resources.**

Franklin App. No. 00AP-592.

Douglas, J., dissents.

**01-819. Akron Health Dept. v. Thrower.**

Summit App. No. 20270.

**01-822. State v. Ayers.**

Erie App. No. E-99-066.

Resnick, J., dissents.

**01-823. State v. Gambill.**

Scioto App. No. 00CA2754.

**01-824. State v. Mootispaw.**

Fayette App. No. CA20006017.

**01-825. State v. Woods.**

Hamilton App. No. C-000108.

**01-826. State v. Helms.**

Summit App. No. 20126.

**01-831. Loggins v. Ohio Bur. of Emp. Serv.**

Scioto App. No. 00CA2716.

**01-833. State v. Griffin.**

Hamilton App. No. C-990779.

Lundberg Stratton, J., dissents.

**01-836. State v. Dakdouk.**  
Cuyahoga App. No. 77701.

**01-837. State v. Wilson.**  
Cuyahoga App. No. 77758.  
Cook, J., dissents.

**01-839. State v. Minor.**  
Richland App. No. 99CA63.

**01-841. In re Shubitidze.**  
Cuyahoga App. No. 77879.

**01-842. State v. Ysasaga.**  
Defiance App. No. 40108.

**01-849. State v. Zinn.**  
Jackson App. No. 00CA020.

**01-851. State v. Dallas.**  
Lorain App. No. 00CA007636.  
Cook, J., dissents.

**01-852. State v. Johnson.**  
Cuyahoga App. Nos. 78097, 78098 and 78099.  
Resnick and Lundberg Stratton, JJ., dissent.

**01-854. Costakos v. Costakos.**  
Franklin App. No. 00AP-869. On discretionary appeal and motion for contempt.  
Appeal and motion denied.

**01-857. State v. Mitchell.**  
Cuyahoga App. No. 77917.

**01-859. State v. Huntsman.**  
Stark App. Nos. 00CA00186 and 00CA00208.

**01-860. State v. Roberts.**

Wood App. No. WD-00-035.

Lundberg Stratton, J., dissents.

Resnick, J., not participating.

**01-863. State v. Miller.**

Ross App. No. 99CA2527.

**01-864. State v. Hillegass.**

Hamilton App. No. C-000508.

**01-865. State v. White.**

Cuyahoga App. No. 78562.

Lundberg Stratton, J., dissents.

**01-868. State v. Grant.**

Hamilton App. No. C-971001.

**01-869. Koukios v. Ganson.**

Hamilton App. No. C-000542.

**01-870. State v. Treadwell.**

Hamilton App. Nos. C-000497 and C-000521.

**01-872. State v. McClain.**

Cuyahoga App. No. 77740.

**01-873. State v. Jackson.**

Miami App. No. 2000CA48.

**01-874. Staton v. Miami Univ.**

Franklin App. No. 00AP-410.

**01-875. Grine v. Payne.**

Wood App. No. WD-00-044.

Cook and Lundberg Stratton, JJ., dissent.

Resnick, J., not participating.

**01-879. State v. Dotson.**

Franklin App. No. 00AP-1271.

**01-880. Turner v. Erie Ins. Group.**

Ashtabula App. No. 99-A-0045.

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

**01-883. Rushford v. Caines.**

Franklin App. No. 00AP-1072.

Pfeifer, J., dissents.

**01-884. State v. Myers.**

Medina App. No. 3078-M.

Cook, J., dissents.

**01-885. State v. Bailey.**

Richland App. No. 00CA44.

**01-887. Concord Twp. Trustees v. Hazelwood Builders, Inc.**

Lake App. No. 2000L040.

**01-889. McLaughlin v. McLaughlin.**

Athens App. No. 00CA14.

**01-891. State v. Henry.**

Hamilton App. No. C-000681.

**01-897. State v. Bates.**

Portage App. No. 99-P-0100.

Douglas, J., dissents.

**01-901. State v. Scott.**

Franklin App. No. 00AP-868.

**01-902. State v. Stanley.**

Montgomery App. No. 18601.

**01-909. Meyer v. Srivastava.**

Montgomery App. No. 18256.



**01-912. Brosky v. Brosky.**

Lorain App. No. 00CA007662.

**01-913. Team Working for You v. Ohio Elections Comm.**

Franklin App. No. 00AP-748.

Resnick, J., dissents.

**01-917. State v. Karnes.**

Athens App. No. 99CA042.

Moyer, C.J., dissents.

**01-920. State v. Estes.**

Montgomery App. No. 18472.

**01-921. State v. Cisternino.**

Lake App. No. 99-L-137.

**01-922. Khoury v. Charter One Bank.**

Lucas App. No. L-00-1192.

Resnick, J., not participating.

**01-924. State v. Draper.**

Franklin App. No. 00AP-736.

**01-927. State v. Sheppard.**

Hamilton App. No. C-000665.

**01-928. State v. Pudelski.**

Cuyahoga App. No. 77172.

Cook, J., dissents.

**01-930. Cunningham v. Hildebrand.**

Cuyahoga App. No. 77483.

Pfeifer, J., dissents.

**01-933. State v. Dumars.**

Cuyahoga App. No. 78075.

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

Columbiana App. No. 00CO42.

**01-945. State v. Toddy.**

Ashtabula App. No. 2000A0004.

**01-946. State v. Jackson.**

Lucas App. No. L-99-1002.

Moyer, C.J., dissents.

Resnick, J., not participating.

**01-950. Yanish v. Yanish.**

Cuyahoga App. No. 78552.

**01-954. State v. Stuart.**

Summit App. No. 20111.

**01-961. State v. Gales.**

Cuyahoga App. No. 77209.

Douglas and Resnick, JJ., dissent.

**01-962. State v. Baker.**

Cuyahoga App. No. 78453.

**01-964. State v. Baksi.**

Trumbull App. No. 2000T0008.

**01-973. State v. Russell.**

Van Wert App. No. 15200007.

**01-979. Burgundy Bay Assn., Inc. v. Curtis.**

Ottawa App. No. OT-00-028.

**01-994. State v. Gibson.**

Summit App. No. 20301.

**01-995. State v. Williams.**

Hamilton App. No. C-940244.

**01-1006. State v. Lee.**  
Cuyahoga App. No. 70122.

**01-1045. In re Smith.**  
Cuyahoga App. No. 77554.

**01-1056. In re Milgrim.**  
Cuyahoga App. No. 79330.

**01-1070. State v. Potts.**  
Richland App. No. 00CA12.

### **MOTION DOCKET**

**99-1938. State ex rel. Kitts v. Mancan, Inc.**  
Franklin App. No. 98AP-1281. *Sua sponte*, cause set for oral argument; oral argument to be on same date as that in 00-886, *State ex rel. United Auto, Aerospace & Agricultural Implement Workers of Am. v. Ohio Bur. of Workers' Comp.*, Franklin App. No. 99AP-406.

Lundberg Stratton, J., would grant oral argument in 99-1938 but would deny oral argument and dismiss for lack of standing in 00-886.

Cook, J., dissents.

**00-644. State v. Vrabel.**  
Mahoning App. No. 95CA221. On *pro se* motion to prevent being penalized for not complying with the Supreme Court Rules of Practice, *pro se* motion to waive all appeals, *pro se* motion to waive Supreme Court's review of appellant's death sentence, *pro se* motion to forgo expert evaluation to determine competence to waive appeals, *pro se* motion to discharge attorneys, *pro se* motion to ignore any other party's request for delays or expert evaluation, and *pro se* motion to set execution date in ninety days. *Sua sponte*, motions stricken.

Lundberg Stratton, J., would grant a competency assessment and not rule on these motions at this time.

On motion for competency assessment of appellant. Motion stricken.

Cook and Lundberg Stratton, JJ., dissent and would grant a competency assessment.

**00-816. State v. Hutton.**

Cuyahoga App. No. 51704. On motion to consolidate case with 00-1540 for purposes of oral argument and disposition. Motion granted.

F.E. Sweeney and Lundberg Stratton, JJ., dissent.

**00-886. State ex rel. United Auto, Aerospace & Agricultural Implement Workers of Am. v. Ohio Bur. of Workers' Comp.**

Franklin App. No. 99AP-406. On requests for oral argument. Requests granted and oral argument set on same date as that in 99-1938, *State ex rel. Kitts v. Mancan, Inc.*, Franklin App. No. 98AP-1281.

Cook, J., dissents.

Lundberg Stratton, J., dissents and would dismiss this cause for lack of standing.

**00-1540. State v. Hutton.**

Cuyahoga App. No. 51704. On motion to consolidate case with 00-816 for purposes of oral argument and disposition. Motion granted.

F.E. Sweeney and Lundberg Stratton, JJ., dissent.

**00-1824. State ex rel. LTV Steel Co. v. Indus. Comm.**

Franklin App. No. 99AP-1054. On request for oral argument by LTV Steel Corporation. Request granted.

Cook, J., dissents.

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

Summit App. No. 19121. On motion for admission *pro hac vice* of L. Slater, K.A. Lane, and C. Brown by W. Rodgers for Westport Insurance Company. Motion granted.

Cook, J., not participating.

**00-2092. AK Steel Corp. v. Pub. Util. Comm.**

Public Utilities Commission, Nos. 99-1658-EL-ETP, 99-1659-EL-ATA, 99-1660-EL-ATA, 99-1661-EL-AAM, 99-1662-EL-AAM and 99-1663-EL-UNC. On motion for leave to intervene by Cincinnati Gas and Electric Company and on motion for leave to intervene by Robert S. Tongren in his capacity as the Ohio Consumers' Counsel. Motions for leave to intervene granted.

On motion to dismiss appeal. Motion denied.

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

Franklin App. No. 99AP-1459. On itemized statement of attorney fees and costs filed pursuant to May 23, 2001 order. Fees and costs granted in the amount of \$3,164.53.

**01-99. State v. Walls.**

Butler App. No. CA99-10-174. On motion to withdraw as co-counsel of Brian E. Goodyear. Motion granted.

**01-201. State ex rel. Hubbard v. Indus. Comm.**

In Mandamus. On answer of respondent Millenium Petrochemicals, Inc., and on answer of respondents Industrial Commission of Ohio and James Conrad, Administrator, Ohio Bureau of Workers' Compensation.

*Sua sponte*, alternative writ granted.

**01-642. State ex rel. Ohio AFL-CIO v. Ohio Bur. of Workers' Comp.**

In Mandamus. On motion to dismiss and motion for leave to file memorandum as *amicus curiae* in support of relators' memorandum contra motion to dismiss. Motion to dismiss denied; motion for leave to file granted; *sua sponte*, oral argument set.

Moyer, C.J., would grant leave to file but would dismiss the cause.

Cook, J., would dismiss the cause.

Lundberg Stratton, J., would dismiss the cause for lack of standing.

**01-733. State v. Parker.**

Cuyahoga App. No. 76395. On motion for stay of court of appeals' judgment. Motion granted.

Pfeifer, J., dissents.

**01-748. State ex rel. R.T.G., Inc. v. State.**

Franklin App. No. 98AP-1015. On amended motion for admission *pro hac vice* of Timothy J. Dowling by Mark G. Bonaventura. Motion granted.

**01-811. Friemoth v. Fruehauf Trailer Corp.**

On review of order certifying a conflict. The court determines that a conflict exists; the parties are to brief the issue stated in the court of appeals' Journal Entry filed April 6, 2001:

“[W]hether an integration clause in an insurance binder which states that the ‘insurance is subject to the terms, conditions and limitations of the policy(ies) in current use by the company’ creates an ambiguity of law or genuine issue of material fact when the only evidence in the record as to any ‘policy in current use by the company’ is the policy, together with the exclusions and endorsements contained therein, which is subsequently issued by the company pursuant to said binder.”

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

The conflict case in *Preferred Risk Group v. Beachy* (Nov. 7, 1990), Summit App. No. 14572, unreported, 1990 WL 177435.

*Sua sponte*, cause consolidated with 01-810, *Friemoth v. Fruehauf Trailer Corp.*, Allen App. No. 1200078.

**01-957. State v. Parker.**

Cuyahoga App. No. 76395. On review of order certifying a conflict. The court determines that a conflict exists; the parties are to brief the issue stated in the court of appeals’ Order Certifying a Conflict dated April 30, 2001:

“Whether when the State agrees not to pursue the death penalty in an aggravated murder case, but does not delete the death penalty specification, does the requirement that the proceedings be held by a three judge panel as set forth in R.C. 2945.06 and Crim.R. 11(C)(3) still apply.”

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

The conflict cases are *State v. Griffin* (1992), 73 Ohio App.3d 546, 597 N.E.2d 1178, and *State v. Rash* (Mar. 27, 1995), Stark App. No. 94-CA-223, unreported, 1995 WL 347945.

*Sua sponte*, cause consolidated with 01-733, *State v. Parker*, Cuyahoga App. No. 76395.

**01-981. Washington Twp. Trustees v. Davis.**

Pickaway App. No. 00CA28. On review of order certifying a conflict. The court determines that a conflict exists; the parties are to brief the following issue stated in the court of appeals’ Judgment Entry filed May 14, 2001:

“The rule of law on which the conflict exists is whether a radio station is a ‘public utility’ for purposes of R.C. 519.211(A).”

F.E. Sweeney, J., dissents.

The conflict case is *Collins v. Swackhamer* (1991), 75 Ohio App.3d 831, 600 N.E.2d 1079.

*Sua sponte*, cause consolidated with 01-847, *Washington Twp. Trustees v. Davis*, Pickaway App. No. 00CA28.

**01-1022. State v. Jastrow.**

Franklin App. No. 99AP-931. On motion for leave to file delayed appeal. Motion denied.

**01-1024. State v. DeLeon.**

Montgomery App. No. 17574. On motion for leave to file delayed appeal. Motion denied.

Lundberg Stratton, J., dissents.

**01-1037. State v. Wilson.**

Lucas App. No. L-99-1125. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**01-1051. State v. McDonald.**

Stark App. No. 2000CA51. On motion for stay of court of appeals' judgment. Motion denied.

**01-1066. State v. Bonilla.**

Greene App. No. 99CA0118. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, Cook and Lundberg Stratton, JJ., dissent.

**01-1087. State v. Dotson.**

Washington App. No. 99CA33. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

**01-1088. State v. Ball.**

Franklin App. No. 99AP-1288. On motion for leave to file delayed appeal. Motion denied.

**01-1091. State v. Burt.**

Stark App. No. CA9470. On motion for leave to file delayed appeal. Motion denied.

**01-1159. State v. Lomas.**

Lucas App. No. L-98-1345. On motion for leave to file delayed appeal. Motion denied.

**01-1198. Dennis v. State Farm Ins. Co.**

Mahoning App. No. 99CA78. On motion for stay of court of appeals' judgment. Motion denied.

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

**01-1224. Stand Energy Corp. v. Cinergy Serv., Inc.**

Hamilton App. Nos. C-000278 and C-000331. On motion for stay of court of appeals' judgment and motion to require a supersedeas bond of Cinergy. Motions fail for want of four votes on the following vote:

Douglas, F.E. Sweeney and Pfeifer, JJ., vote to deny.

Moyer, C.J., Resnick and Lundberg Stratton, JJ., vote to grant.

Cook, J., not participating.

**DISCRETIONARY APPEALS ALLOWED**

**01-625. In re Bonfield.**

Hamilton App. Nos. C-000436 and C-000437.

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

**01-733. State v. Parker.**

Cuyahoga App. No. 76395. Discretionary appeal allowed on Proposition of Law No. I and cause consolidated with 01-957, *State v. Parker*, Cuyahoga App. No. 76395.

Moyer, C.J., Resnick and Lundberg Stratton, JJ., would consolidate and would allow all propositions of law.

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

**01-741. Hartmann v. Duffey.**

Stark App. No. 2000CA00239.

Cook and Lundberg Stratton, JJ., dissent.

**01-810. Friemoth v. Fruehauf Trailer Corp.**

Allen App. No. 1200078. Discretionary appeal allowed; *sua sponte*, cause consolidated with 01-811, *Friemoth v. Fruehauf Trailer Corp.*, Allen App. No. 1200078.

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



**01-847. Washington Twp. Trustees v. Davis.**

Pickaway App. No. 00CA28. Discretionary appeal allowed and cause consolidated with 01-981, *Washington Twp. Trustees v. Davis*, Pickaway App. No. 00CA28.

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

F.E. Sweeney, J., dissents.

**DISCRETIONARY APPEALS NOT ALLOWED**

**01-793. Fleck v. Snyder Brick & Block.**

Montgomery App. No. 18368.

F.E. Sweeney, J., dissents.

**01-805. Schutte v. The Danis Cos.**

Montgomery App. No. 18388.

Douglas and Pfeifer, JJ., dissent.

**01-806. State v. Wilfong.**

Clark App. No. 2000CA75.

Moyer, C.J., dissents.

**01-808. Lorain City School Dist. Bd. of Edn. v. Lorain Edn. Assn.**

Lorain App. No. 00CA007653.

**01-815. In re Chambers.**

Tuscarawas App. No. 2000AP080058.

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

**01-821. Smith v. Dehabey.**

Lucas App. No. L-00-1177.

**01-830. State v. Lunsford.**

Montgomery App. No. 18390.

**01-832. Carnahan v. SCI Ohio Funeral Serv., Inc.**

Franklin App. No. 00AP-490.

**01-843. Am. Med. Security, Inc. v. Health Administrators of Am., Inc.**

Delaware App. No. 00CAE04009.

**01-845. Dienstberger v. Wooden Shoe Inn, Inc.**  
Auglaize App. No. 2200030.

**01-846. Sauder v. McKeown.**  
Richland App. No. 00CA81.

**01-848. Mayor v. WCI Steel, Inc.**  
Trumbull App. No. 2000T0054.

**01-853. Poythress v. Clark.**  
Ashtabula App. No. 2000A0017. On discretionary appeal and motion for admission *pro hac vice* of Konrad M. L. Urberg and Joseph Christoff by Thomas Dean Swihart. Appeal and motion denied.

**01-858. Adam v. Colonial Ins. Co. of Wisconsin.**  
Franklin App. No. 00AP-303.

**01-862. Keesey v. Superior Mobile Homes, Inc.**  
Tuscarawas App. No. 2000AP080057.

**01-878. Nazarian v. Nazarian.**  
Medina App. No. 3059-M.  
Douglas, J., dissents.

**01-881. Jim Brown Chevrolet, Inc. v. Snodgrass.**  
Lake App. No. 2000L036.  
Moyer, C.J., and F.E. Sweeney, J., dissent.

**01-888. Baker v. Jones & Henry Engineers, Ltd.**  
Lucas App. No. L-00-1198.  
Resnick, J., not participating.

**01-890. In re Singleton Arbitration.**  
Portage App. No. 2000P0031.

**01-893. Lippert v. Peace.**  
Hancock App. No. 5200041.  
F.E. Sweeney, J., dissents.

**01-896. Ohio Natl. Bank v. Franklin Cty. Bd. of Revision.**

Franklin App. No. 00AP-1161.

Lundberg Stratton, J., dissents.

**01-899. Herrendeen v. Daimler Chrysler Corp.**

Lucas App. No. L-00-1268.

Douglas and Lundberg Stratton, JJ., dissent.

Resnick, J., not participating.

**01-903. Slabochova v. Hastings Mut. Ins. Co.**

Mahoning App. No. 01CA35.

**01-905. Parker v. Bank One, N.A.**

Montgomery App. No. 18573. On discretionary appeal and motion for sanctions against attorneys Jim Davidson and Angelique Paul and appellee Bank One. Appeal and motion denied.

Resnick and Pfeifer, JJ., dissent.

**01-906. Cooper v. Red Roof Inns, Inc.**

Franklin App. No. 00AP-876.

**01-907. Chrysler Corp. v. Ohio Motor Vehicles Dealers Bd.**

Franklin App. No. 00AP-476.

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

**01-911. State v. Mackey.**

Montgomery App. No. 18423.

**01-939. Doe v. Hi-Stat Mfg. Co.**

Richland App. No. 00CA53.

Douglas and Resnick, JJ., dissent.

**01-987. Ewert v. Stewart.**

Lucas App. No. L-00-1120.

Douglas, J., not participating.

**01-1007. Morrison v. Gugle.**

Franklin App. No. 00AP-681.

## **RECONSIDERATION DOCKET**

**98-1586. State v. Murphy.**

Franklin C.P. No. 97CR052877. Reported at 91 Ohio St.3d 516, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

**99-1287. Progressive Ins. Co. v. Stewart.**

Lucas App. No. L-98-1250. Reported at 91 Ohio St.3d 1266, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration of Cincinnati Insurance Companies. Motion denied.

Lundberg Stratton, J., dissents.

Cook, J., not participating.

**99-2078. State ex rel. Continental Hose v. Swartz.**

Franklin App. No. 98AP-1435. Reported at 92 Ohio St.3d 27, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

**00-16. Kroh v. Continental Gen. Tire, Inc.**

Summit App. No. 19412. Reported at 92 Ohio St.3d 30, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

Cook and Lundberg Stratton, JJ., dissent.

**00-380. Tetlak v. Bratenahl.**

Cuyahoga App. No. 74807. Reported at 92 Ohio St.3d 46, \_\_\_ N.E.2d \_\_\_. On *amicus curiae* motion for leave to file under S.Ct.Prac.R. XI of James G. Dawson, motion for reconsideration, and motion to strike the *amicus curiae* motion for leave to file under S.Ct.Prac.R. XI of James G. Dawson. Motions denied.

Moyer, C.J., would grant the motion to strike and deny the other motions.

Pfeifer and Cook, JJ., dissent and would grant the motion for reconsideration.

**00-745 and 00-801. Littrell v. Wigglesworth.**

Butler App. Nos. CA99-05-092 and CA99-08-141. Reported at 91 Ohio St.3d 425, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

Moyer, C.J., dissents.

**00-1047. Erb v. Erb.**

Cuyahoga App. No. 75072. Reported at 91 Ohio St.3d 503, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration of Ohio Police and Fire Pension Fund. Motion denied.

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

**00-2005. State ex rel. Cultice v. Indus. Comm.**

Franklin App. No. 99AP-1404. Reported at 91 Ohio St.3d 572, \_\_\_ N.E.2d \_\_\_\_.  
On motion for reconsideration. Motion denied.

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

**00-2244. State ex rel. Chesney v. Lisbon.**

In Mandamus. Reported at 91 Ohio St.3d 1522, \_\_\_ N.E.2d \_\_\_\_\_. On motion for reconsideration. Motion denied.

**01-309. Christe v. GMS Mgt. Co.**

Summit App. No. 18992. Reported at 91 Ohio St.3d 1523, \_\_\_ N.E.2d \_\_\_\_\_. On motion for reconsideration. Motion denied.

**01-339. Johnson v. Ohio Dept. of Youth Serv.**

Franklin App. No. 00AP-677. Reported at 91 Ohio St.3d 1536, \_\_\_ N.E.2d \_\_\_\_\_.  
On motion for reconsideration. Motion granted and discretionary appeal allowed.

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

**01-450. Weaver v. Inman.**

Knox App. No. 00CA00009. Reported at 91 Ohio St.3d 1525, \_\_\_ N.E.2d \_\_\_\_\_.  
On motion for reconsideration. Motion denied.

**01-499. Siggers v. Voinovich.**

Franklin App. No. 00AP-231. Reported at 92 Ohio St.3d 1411, \_\_\_ N.E.2d \_\_\_\_\_.  
On amended motion for reconsideration. Motion denied.

**01-504. Mainwald Bros., Inc. v. Ziarno.**

Lucas App. No. L-00-1234. Reported at 92 Ohio St.3d 1412, \_\_\_ N.E.2d \_\_\_\_\_. On motion for reconsideration. Motion denied.

**01-519. Hook v. Springfield.**

Clark App. No. 2000CA71. Reported at 92 Ohio St.3d 1412, \_\_\_ N.E.2d \_\_\_\_\_. On motion for reconsideration. Motion granted and discretionary appeal allowed.

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

**01-540. Hill v. J.S. MacClean Co.**

Franklin App. No. 99AP-573. Reported at 92 Ohio St.3d 1412, \_\_\_ N.E.2d \_\_\_\_\_.  
On motion for reconsideration. Motion denied.

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

**01-551. Sutton v. Ohio Ins. Guar. Assn.**

Paulding App. No. 11200012. Reported at 92 Ohio St.3d 1417, \_\_\_ N.E.2d \_\_\_\_.  
On motion for reconsideration and motion for leave to file notice of supplemental authority. Motions denied.

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

**01-554. Cincinnati v. Banks.**

Hamilton App. No. C-000039. Reported at 92 Ohio St.3d 1413, \_\_\_ N.E.2d \_\_\_\_.  
On motion for reconsideration. Motion denied.

**01-606. State v. Hamilton.**

Guernsey App. No. 96CA15A. Reported at 91 Ohio St.3d 1526, \_\_\_ N.E.2d \_\_\_\_.  
On motion for reconsideration. Motion denied.

**01-838. In re Morales.**

Cuyahoga App. No. 78271. Reported at 92 Ohio St.3d 1415, \_\_\_ N.E.2d \_\_\_\_.  
On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

**01-1053. In re Adoption of Kasunic.**

Cuyahoga App. No. 78144. Reported at 92 Ohio St.3d 1421, \_\_\_ N.E.2d \_\_\_\_.  
On motion for reconsideration. Motion denied.

Lundberg Stratton, J., dissents.