

**SUPREME COURT OF OHIO**

**COLUMBUS**

**ANNOUNCEMENT**

1:00 P.M.

WEDNESDAY  
September 26, 2001

**MERIT DOCKET**

**01-1028. State ex rel. Virostek v. Liberty Twp. Bd. of Trustees.**

In Quo Warranto. On S.Ct.Prac.R. X(5) determination and consideration of respondent board's motion to dismiss or in the alternative for summary judgment dismissing the petition, and relator's motion to strike,

IT IS HEREBY ORDERED that relator's motion be, and hereby is, DENIED.

IT IS FURTHER ORDERED that respondent board's motion to dismiss be, and hereby is, GRANTED and that the cause be, and hereby is, DISMISSED.

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

Douglas, J., dissents, would grant an alternative writ, and would deny all other motions.

**01-1055. State ex rel. Jones v. Manning.**

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.

**01-1071. State ex rel. Wyrick v. Fifth Dist. Court of Appeals.**

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.

**01-1086. State ex rel. Sloan 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.

**01-1105. State ex rel. Shackelford v. Copley.**

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.

**01-1114. State ex rel. Hamblin v. Mengel.**

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.

**01-1115. State ex rel. Martin v. Greene.**

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.

**01-1160. State ex rel. Chebib v. Cleveland.**

In Mandamus and Prohibition. On motion to dismiss of city of Cleveland. Motion to dismiss sustained. Cause dismissed.

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

**01-1237. State ex rel. Campbell v. Corrigan.**

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.

**01-1330. State ex rel. Chebib v. Corrigan.**

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.

**01-1331. State ex rel. White v. Court of Appeals, Eighth Judicial Dist.**

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.

**01-1371. State ex rel. Nelson v. Young.**

In Mandamus and 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.

**01-1444. Gilliland v. Michael.**

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.

**01-1482. Morris v. Brigano.**

In Habeas Corpus. On petition for writ of habeas corpus of Andre D. Morris. *Sua sponte*, cause dismissed.

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

**01-1483. State ex rel. Danzy v. Konteh.**

In Habeas Corpus. On petition for writ of habeas corpus of Theophilus T. Danzy III. *Sua sponte*, cause dismissed.

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

Resnick, J., not participating.

**01-1488. Potts v. Bagley.**

In Habeas Corpus. On petition for writ of habeas corpus of Jeffery M. Potts. *Sua sponte*, cause dismissed.

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

**01-1497. State ex rel. Adelman v. Morgan.**

In Habeas Corpus. On petition for writ of habeas corpus of Richard G. Adelman. *Sua sponte*, cause dismissed.

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

**01-1501. State ex rel. Untied v. Hoffman.**

In Habeas Corpus. On petition for writ of habeas corpus of David M. Untied. *Sua sponte*, cause dismissed.

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

**01-1523. Hannah v. Ghee.**

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.

**01-1550. Davidson v. Ghee.**

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.

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

**01-734. State v. Amani.**

Stark App. No. 1999CA00325.

Douglas, Resnick and Pfeifer, JJ., dissent.

**01-919. State v. Bell.**

Franklin App. Nos. 00AP-739 and 00AP-753.

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

**01-1034. State v. Everett.**

Tuscarawas App. No. 96A0040039.

**01-1059. State v. Morris.**

Franklin App. No. 97APA07-897.

**01-1100. State v. Ginyard.**

Montgomery App. No. 18583.

**01-1104. State v. Lansberry.**

Summit App. No. 20101.

**01-1123. State v. Smith.**

Lorain App. No. 99CA007387.

**01-1129. State v. Graff.**

Cuyahoga App. No. 74860.

**01-1143. State v. Nelson.**

Cuyahoga App. No. 75756.

**01-1197. Columbus v. Pierce.**

Franklin App. No. 00AP-1250.

**01-1200. State v. Miller.**

Franklin App. No. 00AP-645.

**01-1211. State v. Neeley.**

Hamilton App. No. C-000023.

Moyer, C.J., dissents.

**01-1212. Carney v. Cleveland Hts.-Univ. Hts. City School Dist.**

Cuyahoga App. No. 78051.

**01-1214. State v. Smith.**

Cuyahoga App. No. 78229.

**01-1216. State v. King.**

Geauga App. No. 99-G-2237.

**01-1217. In re Civ. Serv. Charges Against Piper.**

Montgomery App. No. 18336.

Moyer, C.J., dissents.

**01-1218. Brewer v. Salins.**

Montgomery App. No. 18152.

**01-1220. State v. Zuranski.**

Cuyahoga App. No. 79245.

**01-1221. State v. Feathers.**

Summit App. No. 20533.

**01-1226. State v. Hall.**

Trumbull App. No. 2001T0010.

**01-1231. Bardes v. Todd.**

Hamilton App. No. C-000055.

**01-1232. Kamm's Korner Tavern, Inc. v. Ohio Liquor Control Comm.**

Franklin App. No. 00AP-1423.

**01-1233. State v. Miller.**

Summit App. No. 20227.

**01-1234. State v. Ratkosky.**

Medina App. No. 3125-M.

Moyer, C.J., dissents.

**01-1235. State v. Ward.**

Cuyahoga App. No. 79528.

**01-1236. State v. Franklin.**

Cuyahoga App. No. 77385.

**01-1239. State v. Haslon.**

Hamilton App. No. C-000608.

**01-1243. State v. DeLeon.**

Montgomery App. No. 18114.

**01-1244. State v. Macias.**

Lucas App. No. L-99-1363.

Resnick, J., not participating.

**01-1248. Witt v. AAA Pipe Cleaning.**

Cuyahoga App. No. 78260.

**01-1249. Henson v. Highland Dist. Hosp.**

Highland App. No. 00CA0014.

**01-1252. State v. Sabbah.**

Erie App. No. E-94-031.

**01-1257. Misseldine v. Progressive Cas. Ins. Co.**

Cuyahoga App. No. 79127.

Lundberg Stratton, J., dissents.

**01-1259. State v. Webster.**

Athens App. No. 01CA12.

**01-1260. State v. Sheppard.**

Hamilton App. Nos. C-990894 and C-990895.

**01-1263. State v. Taylor.**

Darke App. No. 1535.

**01-1265. Hodge v. Columbus.**

Franklin App. No. 00AP-1013.

Lundberg Stratton, J., dissents.

**01-1269. Mentor v. Osborne.**

Lake App. No. 98-L-227.

Pfeifer and Lundberg Stratton, JJ., dissent.

**01-1273. State v. Rutledge.**

Montgomery App. No. 18462.

**01-1275. Chase v. Chase.**

Franklin App. No. 00AP-951.

**01-1278. State v. Nelloms.**

Montgomery App. No. 18421.

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

**01-1279. Izev v. Nationwide Mut. Ins. Co.**

Medina App. No. 3128-M.

F.E. Sweeney, J., dissents.

**01-1280. State v. Karle.**

Hamilton App. No. C-000340.

**01-1281. State v. Foster.**

Cuyahoga App. No. 79628.

**01-1282. State v. Jackson.**

Summit App. No. 20064.

**01-1286. State v. Watson.**

Hamilton App. No. C-000571.



**01-1291. Mooney v. Cashel Mgt. Co.**  
Cuyahoga App. No. 79389.

**01-1322. Conley v. Willis.**  
Scioto App. No. 00CA2746.

**01-1323. State v. Layton.**  
Medina App. No. 3148-M.

**01-1339. Long v. Lindsey.**  
Franklin App. No. 00AP-1253.  
Pfeifer, J., dissents.

**01-1347. State v. Nelson.**  
Summit App. No. 20365.

**01-1373. State v. Carter.**  
Summit App. No. 20572.

**01-1395. Westfall v. Schwan's Sales Enterprises, Inc.**  
Guernsey App. No. 01CA7.

**01-1422. In re Ottariano.**  
Butler App. No. CA2000-09-181.

**01-1479. In re Evancic.**  
Lake App. No. 2001-L-032.

### **MOTION DOCKET**

**98-1483. State v. Jones.**  
Ashtabula C.P. No. 97CR221. On application for reopening under S.Ct.Prac.R. XI(5). Application denied.

**00-857. State ex rel. Long v. Cardington Village Council.**  
In Mandamus. On relator's application for costs and attorney fees.

IT IS ORDERED by the court that within ten days of this entry, relator's counsel submit evidence, preferably including affidavits and a copy of any written

fee agreement entered into with relator, specifying the attorney fees that relator actually paid or is obligated to pay her attorneys for this mandamus action. See *State ex rel. Calvary v. Upper Arlington* (2000), 90 Ohio St.3d 1415, 735 N.E.2d 455, and cases cited therein.

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

Summit App. No. 19121. On motion for admission *pro hac vice* of R. Siegel, M. Lieberman, and S. Strauss by G. Johnson for Evanston Insurance Company. Motion granted.

Cook, J., not participating.

**00-2255. State ex rel. Johnson v. Hilltop Basic Resources, Inc.**

Franklin App. No. 99AP-926. On request for oral argument. Request denied.

**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 leave to intervene by Columbus Southern Power Company and Ohio Power Company and on motion for leave to intervene by Ohio Department of Development. Motions granted.

On motion to dismiss. Motion denied.

**01-446. Nitchman v. Nationwide Mut. Fire Ins. Co.**

Lorain App. No. 99CA007506. On motion to strike memorandum in support of jurisdiction for failure to provide service. Motion denied.

Lundberg Stratton, J., dissents.

**01-493. Goodyear Tire & Rubber Co. v. Aetna Cas. & Sur. Co.**

Summit App. No. 19121. On motion for admission *pro hac vice* of Robert Siegel and Meryl Lieberman for Evanston Insurance Co. by J. Saponaro and on motion for admission *pro hac vice* of Stephen Strauss for Northwestern National Insurance Company by Joseph Saponaro. Motions granted.

Cook, J., not participating.

**01-573. First Energy Corp. v. Pub. Util. Comm.**

Public Utilities Commission, Nos. 99-1212-EL-ETP, 99-1213-EL-ATA and 99-1214-EL-AAM. On motion for admission *pro hac vice* of Thomas J. Starrs by Kimberly Wile Bojko, and on motion for admission *pro hac vice* of David C. Rinebolt by Kimberly Wile Bojko. Motions granted.

Cook, J., not participating.

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

Franklin App. No. 98AP-1015. On motion for admission *pro hac vice* of R.S. Radford for Pacific Legal Foundation by Mark Stemm. Motion granted.

**01-1174. State v. Cobb.**

Cuyahoga App. No. 76950. On motion for leave to file delayed appeal. Motion granted.

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

**01-1194. State v. Black.**

Clermont App. No. CA2001-03-034. On motion for leave to file delayed appeal. Motion granted.

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

**01-1215. State v. Morgan.**

Lucas App. No. L-00-1114. On motion for leave to file delayed appeal. Motion granted.

F.E. Sweeney, J., dissents.

Resnick, J., not participating.

**01-1238. State v. Luther.**

Lorain App. No. 99CA007394. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**01-1246. State v. Fennell.**

Hamilton App. No. C-010180. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**01-1268. State v. Pasqualone.**

Ashtabula App. No. 2001-A-0015. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**01-1277. State v. Buckner.**

Hamilton App. No. C-010052. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

**01-1288. State v. Williams.**

Stark App. No. 1998CA00060. On motion for leave to file delayed appeal. Motion denied.

**01-1312. McClain v. Northwest Community Corrections Ctr.**

Certified State Law Question, No. 300CV7648. On preliminary memoranda pursuant to S.Ct.Prac.R. XVIII(6). The court will answer the following questions certified by the United States District Court for the Northern District of Ohio, Western Division:

“(1) Is an employee of a judicial corrections board hired to the staff of a community based correctional facility an at-will employee who serves at the pleasure of the Board?

“(2) Is an employee of a judicial corrections board hired to staff a community based correctional facility, who is subject to a 120 day initial review period pursuant to Board policy, entitled to ‘due process’ in the termination of her employment pursuant to O.A.C. §5120:1-14-03(P) and R.C. §5120.111.”

Resnick and Lundberg Stratton, JJ., dissent.

*Sua sponte*, the cause is set for argument.

Resnick and Lundberg Stratton, JJ., dissent.

**01-1325. State ex rel. Shemo v. Mayfield Hts.**

In Mandamus. On motion to dismiss. Motion denied and alternative writ granted.

**01-1333. State v. Mardis.**

Franklin App. No. 98AP-1059. On motion for leave to file delayed appeal. Motion denied.

**01-1387. State v. Rivers.**

Franklin App. No. 98AP-1322. On motion for leave to file delayed appeal. Motion denied.

**01-1409. State v. Eden.**

Lorain App. Nos. 00CA007599, 00CA007601 and 00CA007602. On motion for leave to file delayed appeal. Motion denied.

Lundberg Stratton, J., dissents.

**01-1410. State v. Payton.**

Sandusky App. No. S-97-049. On motion for leave to file delayed appeal. Motion denied.

Resnick, J., not participating.

**01-1420. State v. Robinson.**

Hamilton App. No. C-010126. On motion for leave to file delayed appeal. Motion denied.

**01-1427. State v. Wetherall.**

Hamilton App. No. C-000113. On review of order certifying a conflict. The court determines that a conflict exists; *sua sponte*, cause held for the decision in 00-1595 and 00-1682, *State v. Barnes*, Portage App. No. 98-P-0052; briefing schedule stayed.

Douglas, J., dissents.

**01-1468. State v. Perotti.**

Cuyahoga App. No. 79228. On motion for leave to file delayed appeal. Motion denied.

Cook, J., dissents.

**01-1525. Dzina v. Dzina.**

Cuyahoga App. No. 79945. On motion for immediate stay of court of appeals' judgment. Motion denied.

**01-1526. Dzina v. Dzina.**

Cuyahoga App. No. 79968. On motion for immediate stay of court of appeals' judgment. Motion denied.

**01-1528. Dzina v. Dzina.**

Cuyahoga App. No. 79969. On motion to consolidate case with 01-1525 and 01-1526, *supra*. Motion denied.

**01-1530. State v. Knapp.**

Wayne App. No. 00CA0073. On motion for stay of court of appeals' judgment. Motion denied.

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

**01-1540. State v. Smith.**

Lorain App. No. 96CA006331. On motion for appointment of counsel. Motion denied.

Cook, J., dissents.

**01-1548. In re Epperly-Wilson Children.**

Stark App. No. 2001CA00098. On motion for stay of court of appeals' judgment. Motion denied.

**01-1557. Nationsbanc Mtge. Corp. v. Kaplan.**

Cuyahoga App. No. 79682. On motion for stay of foreclosure proceedings. Motion denied.

Resnick, J., dissents.

**01-1571. State ex rel. Smith v. Enlow.**

Portage App. No. 2000-P-0131. On motion for stay of court of appeals' judgment. Motion denied.

**01-1577. State v. Mosley.**

Scioto App. No. 00CA2739. On motion for stay of execution of judgment and motion for appeal bond. Motions denied.

**DISCRETIONARY APPEALS ALLOWED**

**01-165. Miller v. Gunckle.**

Butler App. No. CA2000-02-026.

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

**01-609. In re Bicknell.**

Butler App. Nos. CA2000-07-140 and CA2000-07-141.

F.E. Sweeney, J., dissents.

**01-947. Miller v. Ruhlin Constr., Inc.**

Summit App. No. 20149.

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

**01-968. Gerig v. Kahn.**

Lucas App. No. L-00-1135.

Lundberg Stratton, J., dissents.

Resnick, J., not participating.

**01-1002. Kucherak v. Tri City Family Medicine.**

Lorain App. No. 00CA007687.

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

**01-1030. Winston v. Illinois Natl. Ins. Co.**

Hamilton App. Nos. C-000251 and C-000265.

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

**01-1048. State v. Martello.**

Ashtabula App. No. 2000-A-0026.

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

**01-1050. Snyder v. Lindsay.**

Cuyahoga App. No. 78121.

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

**01-1084. Miller v. Ohio Dept. of Transp.**

Erie App. No. E-99-082.

Cook and Lundberg Stratton, JJ., dissent.

Resnick, J., not participating.

**DISCRETIONARY APPEALS NOT ALLOWED**

**01-1209. State v. Myers.**

Montgomery App. No. 18351.

Cook, J., dissents.

**01-1225. Moodie v. Kraftmaid Cabinetry, Inc.**

Cuyahoga App. No. 78755.

Douglas and Pfeifer, JJ., dissent.

**01-1227. Beam v. Ohio Dept. of Natural Resources, Div. of Mines & Reclamation Dept.**

Clinton App. No. CA2000-09-022.

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

**01-1228. Ringer v. Kroger Co.**

Butler App. No. CA2000-10-192.

**01-1229. State v. Barney.**

Seneca App. No. 13-2000-36.

**01-1245. Weber v. Weber.**

Lorain App. No. 00CA007722.

Moyer, C.J., dissents.

**01-1251. State v. Hunter.**

Hamilton App. No. C-000266.

**01-1256. Bergen v. Motorists Mut. Ins. Co.**

Butler App. No. CA2000-06-112.

Douglas and Pfeifer, JJ., dissent.

**01-1270. Federal Ins. Co. v. HPG Internatl., Inc.**

Franklin App. No. 00AP-1125. On discretionary appeal and motion for admission *pro hac vice* of A. Kenneth H. Zucker and Michael S. Hino by Joseph A. Gerling. Appeal and motion denied.

Lundberg Stratton, J., dissents.

**01-1284. McGuire v. Elyria United Methodist Village.**

Lorain App. No. 00CA007705.

Douglas and Resnick, JJ., dissent.

**01-1290. Jeffrey Mining Products, L.P. v. Left Fork Mining Co.**

Cuyahoga App. No. 77583.

Pfeifer, J., dissents.



**01-1397. Kauffman v. Cugini & Capoccia Builders, Inc.**  
Franklin App. No. 00AP-871.

**RECONSIDERATION DOCKET**

**98-1209. State v. Sanders.**

Hamilton App. No. C-960253. Reported at 92 Ohio St.3d 245, \_\_\_ N.E.2d \_\_\_\_.  
On motion for reconsideration. Motion denied.

**00-216. Northwestern Ohio Bldg. & Constr. Trades Council v. Conrad.**

Franklin App. No. 98AP-1287. Reported at 92 Ohio St.3d 282, \_\_\_ N.E.2d \_\_\_\_.  
On motion for reconsideration and on motion for leave of *amicus curiae* MCO  
League of Ohio to file a memo in opposition to motion for reconsideration.  
Motions denied.

Douglas and Resnick, JJ., dissent.

**00-428. Holeton v. Crouse Cartage Co.**

Certified State Law Question, No. 98CV7578. Reported at 92 Ohio St.3d 115, \_\_\_  
N.E.2d \_\_\_\_\_. On motion for reconsideration of Ohio Bureau of Workers'  
Compensation. Motion denied.

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

**00-512 and 00-551. Kilgore v. Chrysler Corp.**

Montgomery App. Nos. 17906 and 17915. Reported at 92 Ohio St.3d 184, \_\_\_  
N.E.2d \_\_\_\_\_. On motion for reconsideration. Motion denied.

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

**00-769. Goodin v. Columbia Gas of Ohio, Inc.**

Athens App. No. 99CA30. Reported at 92 Ohio St.3d 1214, \_\_\_ N.E.2d \_\_\_\_\_. On  
motion for reconsideration. Motion denied.

Douglas, Resnick and Pfeifer, JJ., dissent.

**00-771. Community Ins. Co. v. Ohio Dept. of Transp.**

Franklin App. No. 99AP-746. Reported at 92 Ohio St.3d 376, \_\_\_ N.E.2d \_\_\_\_\_.  
On motion for reconsideration. Motion denied.

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

**00-824. Yoh v. Schlachter.**

Williams App. No. WM-99-008. Reported at 92 Ohio St.3d 234, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. The motion fails for want of four votes on the following vote:

Douglas, F.E. Sweeney and Pfeifer, JJ., vote no.

Moyer, C.J., Cook and Lundberg Stratton, JJ., vote yes.

Resnick, J., not participating.

**00-1160. Liechty v. Yoder Mfg., Inc.**

Cuyahoga App. No. 75654. Reported at 92 Ohio St.3d 1214, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

Douglas, Resnick and Pfeifer, JJ., dissent.

**00-1233. In re Estate of Stewart.**

Lorain App. No. 99CA007422. Reported at 92 Ohio St.3d 239, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

Cook and Lundberg Stratton, JJ., dissent.

**00-1406 and 00-1730. Hubin v. Hubin.**

Franklin App. No. 99AP-1156. Reported at 92 Ohio St.3d 240, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

**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. Reported at 92 Ohio St.3d 1427, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

Cook, J., not participating.

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

Cuyahoga App. No. 76871. Reported at 92 Ohio St.3d 1428, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

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

Butler App. No. CA99-11-192. Reported at 92 Ohio St.3d 1432, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion granted and discretionary appeal allowed.

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

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

Cuyahoga App. No. 77327. Reported at 92 Ohio St.3d 1432, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

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

Mahoning App. No. 99CA126. Reported at 92 Ohio St.3d 1432, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

**01-688. State v. Ramjit.**

Cuyahoga App. No. 77337. Reported at 92 Ohio St.3d 1429, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

**01-700. In re Milgrim.**

Cuyahoga App. No. 77510. Reported at 92 Ohio St.3d 1429, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

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

Miami App. No. 00CA56. Reported at 92 Ohio St.3d 1430, 749 N.E.2d 757. On motion for reconsideration. Motion granted and discretionary appeal allowed.

Cook, J., would also vacate the decision of the court of appeals and remand this cause on the authority of *In re Anderson* (2001), 92 Ohio St.3d 63, 748 N.E.2d 67.

Resnick and Pfeifer, JJ., dissent.

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

Hamilton App. No. C-000238. Reported at 92 Ohio St.3d 1433, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

Douglas and Resnick, JJ., dissent.

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

Summit App. No. 20270. Reported at 92 Ohio St.3d 1442, \_\_\_ N.E.2d \_\_\_. On amended motion for reconsideration. Motion denied.

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

Summit App. No. 20126. Reported at 92 Ohio St.3d 1442, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

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

In Mandamus. Reported at 92 Ohio St.3d 1440, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration and motion for appointment of counsel or, in the alternative, motion for compensation/funding. Motions denied.

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

In Prohibition. Reported at 92 Ohio St.3d 1440, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration and motion for appointment of counsel or, in the alternative, motion for compensation/funding. Motions denied.

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

Scioto App. No. 00CA2716. Reported at 92 Ohio St.3d 1442, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

**01-845. Dienstberger v. Wooden Shoe Inn, Inc.**

Auglaize App. No. 2-2000-30. Reported at 92 Ohio St.3d 1449, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

**01-859. State v. Huntsman.**

Stark App. Nos. 00CA00186 and 00CA00208. Reported at 92 Ohio St.3d 1443, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

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

Hamilton App. No. C-000542. Reported at 92 Ohio St.3d 1443, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

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

Lucas App. No. L-00-1268. Reported at 92 Ohio St.3d 1450, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

Douglas, J., dissents.

Resnick, J., not participating.

**01-918. Heffern v. Univ. of Cincinnati Hosp.**

Franklin App. Nos. 00AP-1060, 00AP-1061 and 00AP-1063. Reported at 92 Ohio St.3d 1444, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

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

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

Lucas App. No. L-00-1192. Reported at 92 Ohio St.3d 1444, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

Resnick, J., not participating.

**01-997. State v. Ponds.**

Richland App. No. 99CA8. Reported at 92 Ohio St.3d 1445, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

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

**01-1056. In re Milgrim.**

Cuyahoga App. No. 79330. Reported at 92 Ohio St.3d 1446, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

Lundberg Stratton, J., dissents.

**01-1070. State v. Potts.**

Richland App. No. 00CA12. Reported at 92 Ohio St.3d 1446, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

**01-1149. State ex rel. Commt. for the Referendum of Ordinance No. 3621-00 v. White.**

In Mandamus. Reported at 93 Ohio St.3d 1406, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration by clarification and issuance of the opinion and on motion to strike motion for reconsideration. Motions denied.

Pfeifer, J., concurs but would grant the motion to strike.