

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

1:00 P.M.

WEDNESDAY
November 7, 2001

MERIT DOCKET

01-1621. State ex rel. Inge v. Nuzum.

In Mandamus. On answer of respondent Rolf Baumgartel, answer of respondent William L. Burton, answer of respondent Judge W.M. Nuzum III, Municipal Court of Marietta, Ohio, motion to dismiss of Judge W.M. Nuzum III, Municipal Court of Marietta, Ohio, and/or motion for judgment on pleadings of Judge W.M. Nuzum III, Municipal Court of Marietta, Ohio. Motion to dismiss sustained. Cause dismissed.

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

01-1636. State ex rel. Walker v. Rosemarin.

In Mandamus and Procedendo. On answer of respondents Judge John G. Rosemarin, Paul R. Kidd, and Hamilton Municipal Court, motion to dismiss of Butler County Sheriff Harold Don Gabbard, and motion to strike answer of respondents for failure to provide service. 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**

01-1035. Columbus Metro. Hous. Auth. v. Flowers.

Franklin App. No. 00AP-833.

01-1426. Bradley v. Bradley.

Cuyahoga App. No. 78400.

01-1485. State v. Stansberry.

Cuyahoga App. No. 78195. On discretionary appeal. Appeal denied.

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

On discretionary cross-appeal. Appeal denied.

Moyer, C.J., dissents.

01-1487. R.C.T., Inc. v. Consol. Mgt., Inc.

Lake App. No. 99-L-191.

01-1489. Hedrick v. Wyno.

Summit App. No. 20380.

01-1491. Mianowski v. Mianowski.

Summit App. No. 20416.

01-1494. State v. Boyes.

Medina App. No. 3119-M.

01-1496. State v. Evans.

Hamilton App. No. C-000565.

Moyer, C.J., dissents.

01-1498. State v. Queen.

Medina App. No. 3115-M.

Moyer, C.J., dissents.

01-1505. State v. Winchester.

Cuyahoga App. No. 78019.

Resnick, J., dissents.

Lundberg Stratton, J., dissents, would allow the discretionary appeal, and would affirm the judgment of the court of appeals, but would remand to classify the defendant as a sexually oriented offender by law.

01-1513. State v. Gaither.

Hamilton App. No. C-010013.

01-1517. Golden Christian Academy v. Zelman.

Franklin App. No. 01AP-146.

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

01-1519. State v. Leek.

Cuyahoga App. No. 78513.

01-1522. State v. Hampton.

Stark App. No. 2001CA00172.

01-1529. Pavlovich v. Cashel Mgt. Co.

Cuyahoga App. No. 79519.

F.E. Sweeney, J., dissents.

01-1531. Bensman v. RX Remedy, Inc.

Cuyahoga App. No. 79566.

F.E. Sweeney, J., dissents.

01-1532. State v. Chinn.

Montgomery App. No. 18535.

Pfeifer, J., dissents.

01-1534. McClain v. Brown.

Wyandot App. No. 16-01-08.

01-1535. Sekerak v. Cashel Mgt. Co.

Cuyahoga App. No. 79520.

F.E. Sweeney, J., dissents.

01-1536. State v. Criss.
Cuyahoga App. No. 78346.

01-1541. Akron v. Molyneaux.
Summit App. No. 20309.
Pfeifer and Lundberg Stratton, JJ., dissent.

01-1545. Ryberg v. Allstate Ins. Co.
Franklin App. No. 00AP-1243.
Resnick and Pfeifer, JJ., dissent.

01-1564. State v. Gammalo.
Cuyahoga App. No. 78531.

01-1565. State v. Amerson.
Cuyahoga App. No. 78235.

01-1574. State v. Britton.
Lorain App. No. 00CA007723.

01-1577. State v. Mosley.
Scioto App. No. 00CA2739.

01-1590. State v. Charlton.
Lorain App. No. 91CA005272.

01-1592. State v. English.
Montgomery App. No. 18648.
Pfeifer, J., dissents.

01-1610. State v. Holloway.
Franklin App. No. 01AP-104.

01-1617. State v. Hyde.
Cuyahoga App. No. 77592.

01-1625. State v. Roberson.
Stark App. No. 2000CA00178.
Moyer, C.J., dissents.

01-1644. State v. Walker.
Cuyahoga App. No. 47616.

01-1653. State v. Nelson.
Clermont App. No. CA96-09-077.

01-1656. State v. Alls.
Trumbull App. No. 2000-T-0113.

01-1660. State v. Briscoe.
Cuyahoga App. No. 76125.

01-1665. State v. Mayer.
Highland App. No. 99CA8.

01-1671. State v. Black.
Montgomery App. No. 18226.

01-1675. State v. DeLeon.
Montgomery App. No. 17574.

01-1697. State v. Graham.
Franklin App. No. 01AP-304.
Moyer, C.J., and Lundberg Stratton, J., dissent.

MOTION DOCKET

98-1586. State v. Murphy.
Franklin C.P. No. 97CR052877. On application for reopening under S.Ct.Prac.R. XI(5). Application denied.

01-1984. Aetna Cas. & Sur. Co. v. Goodyear Tire & Rubber Co.
Summit App. No. 19121. On motion for admission *pro hac vice* of Joseph B. Royster for Stonewall Insurance Company by Anthony J. Hartman. Motion granted.
Cook, J., not participating.

01-13. State v. Dixon.

Lucas App. No. L-96-004. On motion for appointment of new co-counsel as substitution for Annette Powers. Motion denied.

Pfeifer, J., dissents.

Cook, J., dissents and would appoint the Public Defender and grant forty days' leave to file.

Resnick, J., not participating.

01-270. Green Local School Dist. Bd. of Edn. v. Ohio Assn. of Pub. School Emp., Local 274.

Summit App. No. 19931. On motion to supplement record with supplement attached. Motion denied.

On motion to strike references to appellee's post-hearing brief, the post-hearing brief itself, and motion with attachment. Motion to strike granted.

F.E. Sweeney, J., dissents.

01-1231. Bardes v. Todd.

Hamilton App. No. C-000055. On emergency motion for stay of this court's entry of September 26, 2001, or, in the alternative, motion to vacate. Motions denied.

01-1386. State ex rel. Maynard v. Indus. Comm.

In Mandamus. On answer of respondent Industrial Commission of Ohio et al. *Sua sponte*, alternative writ granted.

F.E. Sweeney, J., would dismiss.

Lundberg Stratton, J., would deny.

01-1448. State ex rel. York Internatl. Corp. v. Indus. Comm.

Franklin App. No. 00AP-1136. On motion to not dismiss case for the reason that it is currently in mediation. Motion granted.

Douglas, J., dissents.

Cook, J., dissents and would *sua sponte* stay the briefing.

01-1624. State ex rel. Howard v. Seaway Foodtown, Inc.

Franklin App. No. 00AP-1097. On motion for stay of court of appeals costs. Motion denied.

Resnick, J., dissents.

01-1741. State v. Hertzell.

Medina App. No. 3170-M. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Cook, JJ., dissent.

01-1742. State v. Rivera.

Lorain App. No. 98CA007204. On motion for leave to file delayed appeal. Motion denied.

01-1754. Goldauskas v. Elyria Foundry Co.

Lorain App. No. 00CA007744. On motion for stay of court of appeals' judgment. Motion granted.

Douglas, J., dissents.

01-1761. State v. Farley.

Lawrence App. No. 00CA25. On motion for leave to file delayed appeal. Motion denied.

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

01-1786. Lemm v. The Hartford.

Franklin App. No. 01AP-251. 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' Judgment Entry filed October 4, 2001:

“When a homeowner’s insurance policy provides express liability for damages arising from a motor vehicle accident when the injured party is the homeowner’s residence employee and the injury occurred in the course of that employment, is the policy deemed an automobile liability or motor vehicle policy subject to the requirement of former R.C. 3937.18 to offer uninsured and underinsured motorist coverage?”

The conflict case is *Davis v. Shelby Ins. Co.* (June 14, 2001), Cuyahoga App. No. 78610, unreported, 2001 WL 674854.

DISCRETIONARY APPEALS ALLOWED

01-1328. Hudson v. Summit Cty.

Summit App. No. 20358. On discretionary appeal and cross-appeal. Discretionary appeal and cross-appeal allowed.

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

01-1417. Valentine v. Willard & Assoc. Title Search.

Fairfield App. No. 01CA15.

Pfeifer and Cook, JJ., dissent.

01-1481. State v. Miller.

Ashtabula App. No. 99-A-0078.

Lundberg Stratton, J., would allow on Propositions of Law Nos. I and II.
F.E. Sweeney and Pfeifer, JJ., dissent.

DISCRETIONARY APPEALS NOT ALLOWED

01-1473. State v. Novak.

Cuyahoga App. No. 78482.

Lundberg Stratton, J., dissents.

01-1477. Ebright v. Video News Super Stores.

Lucas App. No. L-00-1369.

01-1493. Wood v. MetroHealth Sys.

Cuyahoga App. No. 78105.

01-1510. United Capital Ins. Co. v. Brunswick Ins. Agency.

Summit App. No. 20356.

01-1514. State v. Johnson.

Cuyahoga App. No. 78327.

01-1524. Barilla v. Patella.

Cuyahoga App. No. 78128.

Pfeifer, J., dissents.

01-1537. Siegel v. Jozac Corp.

Cuyahoga App. No. 78465. On discretionary appeal and motion to dismiss.
Discretionary appeal denied.

Moyer, C.J., dissents.

Cook and Lundberg Stratton, JJ., would grant the motion to dismiss.

01-1543. Wurts v. Gregg.
Montgomery App. No. 18677.

01-1549. State v. Mootosammy.
Medina App. No. 3150-M.

01-1553. Bain Builders v. Huntington Natl. Bank.
Cuyahoga App. No. 78442.
F.E. Sweeney, J., dissents.

01-1567. Huffman v. Huffman.
Trumbull App. No. 2000-T-0158.

01-1568. Huffman v. Huffman.
Trumbull App. No. 2000-T-0095.

01-1569. State v. Ramirez.
Wood App. Nos. WD-00-050 and WD-00-062.
Moyer, C.J., and Lundberg Stratton, J., dissent.

RECONSIDERATION DOCKET

00-2014 and 00-2157. State v. Wozniak.
Franklin App. No. 00AP-349. Reported at 93 Ohio St.3d 173, ___ N.E.2d ____.
On motion for reconsideration. Motion denied.

01-412. Cleveland Bar Assn. v. Cleary.
Reported at 93 Ohio St.3d 191, ___ N.E.2d _____. On motion for reconsideration.
Motion denied.
Douglas and F.E. Sweeney, JJ., dissent.

01-1211. State v. Neeley.
Hamilton App. No. C-000023. Reported at 93 Ohio St.3d 1427, ___ N.E.2d ____.
On motion for reconsideration. Motion denied.
Moyer, C.J., dissents.

01-1218. Brewer v. Salins.
Montgomery App. No. 18152. Reported at 93 Ohio St.3d 1427, ___ N.E.2d ____.
On motion for reconsideration. Motion denied.

01-1395. Westfall v. Schwan's Sales Ent., Inc.

Guernsey App. No. 01CA7. Reported at 93 Ohio St.3d 1429, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

01-1488. Potts v. Bagley.

In Habeas Corpus. Reported at 93 Ohio St.3d 1426, ___ N.E.2d ___. On motion for reconsideration. Motion denied.