

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

September 25, 2002

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### MERIT DECISIONS WITH OPINIONS

**2001-0201. State ex rel. Hubbard v. Indus. Comm., 2002-Ohio-4795.**

In Mandamus. Writ granted.

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

**2001-0272. State ex rel. Whitacre-Greer Fireproofing Co. v. Conrad, 2002-Ohio-4742.**

Franklin App. No. 99AP-956. Judgment reversed and writ allowed.

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

**2001-0886. State ex rel. Abate v. Indus. Comm., 2002-Ohio-4796.**

Franklin App. No. 00AP-849. Judgment affirmed.

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

**2001-1840. State v. Woodard, 2002-Ohio-4767.**

Cuyahoga App. No. 61171. Judgment affirmed.

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

**2001-1946. State ex rel. Qiblawe v. Indus. Comm., 2002-Ohio-4759.**

Franklin App. No. 01AP-15. Judgment affirmed.

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

**2002-0310. State v. Sneed, 2002-Ohio-4768.**

Stark App. No. CA-6976. Judgment affirmed.

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

**2002-0349. Stark Cty. Bar Assn. v. Buttacavoli, 2002-Ohio-4743.**

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 01-50.

Glen F. Buttacavoli is suspended from the practice of law for six months, stayed on condition.

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

Cook, J., concurs in judgment.

Moyer, C.J., dissents.

**2002-0697. Columbus Bar Assn. v. Vargo, 2002-Ohio-4799.**

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 01-80.

Thomas Wendell Vargo is suspended from the practice of law for six months, stayed on conditions.

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

**2002-0907. Phillips v. Irwin, 2002-Ohio-4758.**

Greene App. No. 02-CA-28. Judgment affirmed.

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

**MERIT DECISIONS WITHOUT OPINIONS**

**2002-1240. State ex rel. Jeffers v. Gallia Cty. Bd. of Commrs.**

In Mandamus. On motion for default judgment. On S.Ct.Prac.R. X(5) determination, cause dismissed.

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

Douglas, J., dissents and would grant an alternative writ.

**2002-1301. State ex rel. McGrath v. Gallagher.**

In Mandamus. On motion to dismiss of Judge Gallagher and William D. Mason, Prosecuting Attorney of Cuyahoga County, motion for summary judgment, and motion for summary judgment. Motion to dismiss sustained. Cause dismissed.

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

**2002-1347. State ex rel. White v. Ohio Bur. of Motor Vehicles Registrar.**

In Mandamus and 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.

**2002-1383. State ex rel. Davis v. Lotz.**

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

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

Cook, J., dissents and would grant the writ and costs.

**2002-1452. State ex rel. Laguta v. Wilson.**

In Habeas Corpus. On petition for writ of habeas corpus of George A. Laguta. Sua sponte, cause dismissed.

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

**2002-1470. Ameritech Ohio v. Pub. Util. Comm.**

Public Utilities Commission, No. 02-579-TP-CSS. On motion for stay of the commission's April 11, 2002 interim order and July 18, 2002 entry on rehearing. Sua sponte, cause dismissed.

Moyer, C.J., and Cook, J., concur.

F.E. Sweeney, J., dismisses for want of jurisdiction.

Lundberg Stratton, J., dismisses as premature and denies the motion for stay.

Douglas and Pfeifer, JJ., dissent and would deny the motion.

Resnick, J., not participating.

## MOTION AND PROCEDURAL RULINGS

### **2001-1048. State v. Martello.**

Ashtabula App. No. 2000-A-0026. On request for oral argument pursuant to S.Ct.Prac.R. IX(1)(A). Request granted.

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

On motion to supplement record with item to be supplemented attached, response to motion to supplement record or, in the alternative, appellant's request to supplement. Motions to supplement granted.

F.E. Sweeney, J., dissents.

### **2002-0176. In re Jones.**

Franklin App. No. 01AP-376, 2001-Ohio-3937. On motion of the state of Ohio to supplement record. Motion granted.

### **2002-0549. Gray v. State Farm Mut. Auto. Ins. Co.**

Butler App. No. CA2001-07-174, 2002-Ohio-867. On motion to lift stay of briefing schedule. Motion granted.

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

### **2002-0825. In re Price.**

Butler App. No. CA2001-02-035, 2002-Ohio-1345. 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' Entry Granting Motion for Certification filed May 8, 2002, at page 2:

"Must a juvenile court upon disposition grant credit for days served in a rehabilitation center or treatment facility toward the balance of a youth's commitment to the Department of Youth Services on the same complaint, regardless of the secure nature of the treatment center or rehabilitation facility?"

F.E. Sweeney, J., dissents.

Sua sponte, cause consolidated with *In re Price*, Butler App. Nos. CA2001-02-035 and CA2001-04-085, 2002-Ohio-1345.

F.E. Sweeney, J., dissents.

The conflict cases are *In re Dillard*, Stark App. Nos. 2001CA00093 and 2001CA00121, 2001-Ohio-1897, 2001 WL 1548758; and *In re Keeran*, Licking App. No. 01CA69, 2002-Ohio-1580, 2002 WL 1653799.

**2002-0987. Cox v. Nationwide Ins. Co.**

Richland App. No. 01CA97, 2002-Ohio-2524. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause consolidated with 2002-0947, *Cox v. Nationwide Ins. Co.*, Richland App. No. 01CA97, 2002-Ohio-2524, causes held for the decision in 2001-1786, *Lemm v. The Hartford*, Franklin App. No. 01AP-251, and briefing schedule stayed.

**2002-1010. State v. Mitts.**

Cuyahoga App. No. 68612. On motion for appointment of Robert A. Dixon and Patricia Koch Windham as counsel for appellant and motion for stay of proceedings pending court's ruling on motion to appoint counsel. Motions denied.

Pfeifer and Cook, JJ., dissent and would grant the motion for appointment of counsel.

**2002-1079. Ramsey v. State Farm Fire & Cas. Co.**

Licking App. No. 2001CA00124, 2002-Ohio-2547. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause consolidated with 2002-1109, *Ramsey v. State Farm Fire & Cas. Co.*, Licking App. No. 2001CA00124, 2002-Ohio-2547, causes held for the decision in 2001-1786, *Lemm v. The Hartford*, Franklin App. No. 01AP-251, and briefing schedule stayed.

**2002-1220. State v. Smith.**

Cuyahoga App. No. 79527, 2002-Ohio-2145. 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' entry filed June 21, 2002:

"Whether it is reversible error when a trial court permits jurors the opportunity to submit questions to witnesses, which, subject to the trial court's discretion, may then be asked of the witness."

Sua sponte, cause consolidated with 2002-1093, *State v. Smith*, Cuyahoga App. No. 79527, 2002-Ohio-2145.

The conflict cases are *State v. Gilden* (2001), 144 Ohio App.3d 69, 74-75, 759 N.E.2d 468; and *State v. York*, Seneca App. No. 13-01-19, 2002-Ohio-1398.

**2002-1282. State v. Grimmett.**

Franklin App. No. 01AP-1287, 2002-Ohio-3354. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause held for the decision in 2002-0201, *State v. Fisher*, Franklin App. No. 01AP-614, 2001-Ohio-8772, and briefing schedule stayed.

**2002-1298. State v. Teasley.**

Franklin App. Nos. 00AP-1322 and 00AP-1323, 2002-Ohio-2333. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at pages 1-2 of the court of appeals' Journal Entry filed July 2, 2002:

“Whether, in a prosecution for engaging in a pattern of corrupt activity under R.C. 2923.32, the state is required to prove the existence of an ongoing organization separate and distinct from the pattern of corrupt activity in order to establish the existence of an ‘enterprise’ as defined in R.C. 2923.31(C).”

F.E. Sweeney, J., dissents.

The conflict cases are *State v. Elersic*, Lake App. Nos. 2002-L-062 and 2000-L-164, 2001-Ohio-8787, 2001 WL 1497192; and *State v. Wilson* (1996), 113 Ohio App.3d 737, 682 N.E.2d 5.

**2002-1351. State v. Moore.**

Cuyahoga App. No. 78751, 2002-Ohio-1831. On motion for leave to file delayed appeal. Motion granted.

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

**2002-1373. State v. Elswick.**

Cuyahoga App. No. 68731. On motion for leave to file delayed appeal. Motion denied.

**2002-1374. State v. Manning.**

Cuyahoga App. No. 76538. On motion for leave to file delayed appeal. Motion denied.

**2002-1440. State v. Burnside.**

Fairfield App. No. 01CA60, 2002-Ohio-3682 and 2002-Ohio-4344. On motion for stay of court of appeals' judgment. Motion denied.

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

**2002-1457. State v. Toro.**

Summit App. No. 19834. On motion for leave to file delayed appeal. Motion denied.

**2002-1458. State v. Martin.**

Clark App. No. 2000CA77, 2002-Ohio-3301. On motion for leave to file delayed appeal. Motion denied.

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

**2002-1467. State v. Muff.**

Perry App. No. 01CA13, 2002-Ohio-2510. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**2002-1471. State v. Reynolds.**

Franklin App. No. 01AP-1176, 2002-Ohio-3337. On motion for leave to file delayed appeal. Motion denied.

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

**2002-1484. State v. Bonnano.**

Allen App. No. 1-02-21. On motion for stay of court of appeals' judgment pending its ruling on motion to certify conflict. Motion denied.

**2002-1515. Haley v. Wilson.**

Summit App. No. 20967, 2002-Ohio-3987. On motion for stay of court of appeals' judgment and motion for order prohibiting release of bond. Motion denied.

Moyer, C.J., and Cook, J., would deny the motion as moot.

**APPEALS ACCEPTED FOR REVIEW**

**2002-0777. In re Price.**

Butler App. Nos. CA2001-02-035 and CA2001-04-085, 2002-Ohio-1345. Discretionary appeal allowed and cause consolidated with 2002-0825, *In re Price*, Butler App. No. CA2001-02-035, 2002-Ohio-1345.

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

**2002-0840. State v. Taylor.**

Cuyahoga App. No. 79475, 2002-Ohio-1554. Discretionary appeal allowed and cause consolidated with 2002-0841, *infra*.

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

**2002-0841. State v. Wilson.**

Cuyahoga App. No. 79485, 2002-Ohio-1846. Discretionary appeal allowed and cause consolidated with 2002-0840, *State v. Taylor*, *supra*.

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

**2002-0850. Agudo De Uzhca v. Derham.**

Montgomery App. No. 19106, 2002-Ohio-1814. Discretionary appeal allowed and cause consolidated with 2002-0610, *Geren v. Westfield Ins. Co.*, Lucas App. No. L-01-1398, 2002-Ohio-1230.

Cook and Lundberg Stratton, JJ., dissent.

**2002-0883. Tucker v. Ohio Adult Parole Auth.**

Cuyahoga App. No. 80134. Discretionary appeal allowed and cause held for the decision in 2001-1825, *Lee v. Ohio Adult Parole Auth.*, Montgomery App. No. 18833, 2001-Ohio-1466; briefing schedule stayed.

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

**2002-0903. Cohara v. Consol. Rail Corp.**

Cuyahoga App. Nos. 79459 and 79819, 148 Ohio App.3d 153, 2002-Ohio-1557.

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

**2002-0945. Pinchot v. Charter One Bank, F.S.B.**

Cuyahoga App. No. 79359, 2002-Ohio-1654.

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

**2002-0947. Cox v. Nationwide Ins. Co.**

Richland App. No. 01CA97, 2002-Ohio-2524. Discretionary appeal allowed, cause consolidated with 2002-0987, *Cox v. Nationwide Ins. Co.*, Richland App. No. 01CA97, 2002-Ohio-2524, cause held for the decision in 2001-1786, *Lemm v. The Hartford*, Franklin App. No. 01AP-251, and briefing schedule stayed.

Pfeifer and Lundberg Stratton, JJ., dissent.



**2002-0953. In re Subpoena Duces Tecum Served Upon Potts.**

Lucas App. No. L-01-1033, 2002-Ohio-2050.

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

Resnick, J., not participating.

**2002-0954. Allen v. Allen.**

Franklin App. No. 01AP-909, 2002-Ohio-2013. Discretionary appeal allowed and cause held for the decision in 2001-1786, *Lemm v. The Hartford*, Franklin App. No. 01AP-251; briefing schedule stayed.

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

**2002-1093. State v. Smith.**

Cuyahoga App. No. 79527, 2002-Ohio-2145. Discretionary appeal allowed and cause consolidated with 2002-1220, *State v. Smith*, Cuyahoga App. No. 79527, 2002-Ohio-2145.

Moyer, C.J., and Cook, J., would allow on Propositions of Law Nos. I and II and hold this cause for the decision in 2002-0201, *State v. Fisher*, Cuyahoga App. No. 79527, 2002-Ohio-2145.

**2002-1109. Ramsey v. State Farm Fire & Cas. Co.**

Licking App. No. 2001CA00124, 2002-Ohio-2547. Discretionary appeal allowed, cause consolidated with 2002-1079, *Ramsey v. State Farm Fire & Cas. Co.*, Licking App. No. 2001CA00124, 2002-Ohio-2547, causes held for the decision in 2001-1786, *Lemm v. The Hartford*, Franklin App. No. 01AP-251, and briefing schedule stayed.

Pfeifer and Lundberg Stratton, JJ., dissent.

**APPEALS NOT ACCEPTED FOR REVIEW**

**2002-0759. State v. Rogers.**

Columbiana App. No. 01CO5, 2002-Ohio-1150.

Moyer, C.J., dissents.

**2002-0881. State v. Wells.**

Cuyahoga App. No. 79893, 2002-Ohio-1413.

**2002-0964. Cleveland v. Santana.**

Cuyahoga App. No. 80110, 2002-Ohio-1820.

**2002-0967. In re Adoption of Prtenjak.**

Medina App. No. 3281-M, 2002-Ohio-1994.

Douglas, J., dissents.

**2002-0968. All Climate Heating & Cooling, Inc. v. Zee Properties, Inc.**

Franklin App. No. 01AP-784.

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

Lundberg Stratton, J., not participating.

**2002-0975. Cosic v. Cosic.**

Cuyahoga App. No. 79555, 2002-Ohio-2030.

**2002-0991. State v. Matthews.**

Summit App. No. 20749, 2002-Ohio-2206.

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

**2002-0992. In re Estate of Georges.**

Stark App. No. 2001CA00120, 2002-Ohio-2530.

Pfeifer and Cook, JJ., dissent.

**2002-0995. Tuuri v. Snyder.**

Geauga App. No. 2000-G-2325, 2002-Ohio-2107.

**2002-0999. State v. Winchester.**

Cuyahoga App. No. 79739, 2002-Ohio-2130.

**2002-1003. Wireman v. Mary Ann Twp. Bd. of Trustees.**

Licking App. No. 01CA103, 2002-Ohio-2519.

**2002-1011. Thornsley v. Thornsley.**

Coshocton App. No. 01CA022, 2002-Ohio-2508.

Moyer, C.J., would allow on Propositions of Law Nos. I and II.

**2002-1012. In re Testamentary Trust of Hamm.**

Geauga App. Nos. 2001-G-2363 and 2001-G-2366, 2002-Ohio-2106.

Lundberg Stratton, J., dissents.

**2002-1015. Rusk Industries v. Alexander.**

Lucas App. No. L-01-1328, 2002-Ohio-2171.

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

**2002-1016. Luginbihl v. Milcor L.P.**

Allen App. No. 1-01-162, 2002-Ohio-2188.

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

**2002-1018. Beere v. Timber Top Apts.**

Summit App. No. 20843, 2002-Ohio-2093.

Moyer, C.J., dissents.

**2002-1019. Gains v. Harman.**

Mahoning App. No. 01CA89, 2002-Ohio-2793.

Moyer, C.J., not participating.

**2002-1021. State v. Lattimore.**

Hamilton App. No. C-010595.

**2002-1026. State v. Carpenter.**

Erie App. No. E-00-033, 2002-Ohio-2266 and 2002-Ohio-4824.

Pfeifer, J., dissents.

Resnick, J., not participating.

**2002-1032. State v. Stanley.**

Mahoning App. Nos. 99CA55, 2002-Ohio-3007 and 2002-Ohio-4372.

Resnick and Pfeifer, JJ., dissent.

**2002-1036. State v. Lamar.**

Lawrence App. No. 01CA17.

**2002-1039. State v. Tierney.**

Cuyahoga App. No. 78847, 2002-Ohio-2607.

**2002-1046. Estate of Cattano v. High Touch Homes, Inc.**

Erie App. No. E-01-022.

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

Resnick, J., not participating.

**2002-1047. State v. Grigsby.**  
Greene App. No. 2000CA12.

**2002-1049. Beneficial Mtge. Co. of Ohio v. Leach.**  
Franklin App. No. 01AP-737, 2002-Ohio-2237.

**2002-1051. State v. Hansen.**  
Athens App. No. 01CA15.

**2002-1054. Lynch v. CitiFinancial.**  
Cuyahoga App. No. 79689.

**2002-1055. State v. Walker.**  
Hamilton App. No. C-010608.

**2002-1056. State v. Maldonado.**  
Lorain App. No. 01CA007924, 2002-Ohio-2205.

**2002-1057. State v. Austin.**  
Hamilton App. No. C-010486, 2002-Ohio-2293.

**2002-1058. Cummins v. Greene.**  
Meigs App. No. 00CA29.  
Lundberg Stratton, J., dissents.

**2002-1060. Carstons v. Klatt.**  
Franklin App. No. 01AP-538, 2002-Ohio-2236.

**2002-1062. Coleman v. E. Cleveland City School Dist. Bd. of Edn.**  
Cuyahoga App. No. 80122.  
Moyer, C.J., and Lundberg Stratton, J., dissent.

**2002-1063. Millstone Dev., Ltd. v. Berry.**  
Franklin App. No. 01AP-907, 2002-Ohio-2241.

**2002-1065. Siuda v. Howard.**  
Hamilton App. Nos. C-000656 and C-000687, 2002-Ohio-2292.  
Resnick and F.E. Sweeney, JJ., dissent.

**2002-1066. State v. Greene.**

Greene App. No. 02CA17, 2002-Ohio-2595.

**2002-1068. Byrd v. Mickens-Byrd.**

Franklin App. No. 01AP-946, 2002-Ohio-2579.

**2002-1070. B.F.G. Emp. Credit Union, Inc. v. Kopco & Co.**

Lorain App. No. 01CA007929, 2002-Ohio-2202.

**2002-1072. Mackey v. Mackey.**

Ashland App. No. 01COA01434, 2002-Ohio-2533.

**2002-1073. State v. Holland.**

Montgomery App. No. 19144, 2002-Ohio-2927.

**2002-1075. State v. Johnson.**

Trumbull App. No. 2001-T-0078, 2002-Ohio-2977.

**2002-1076. Metz v. Crownover Lumber Co.**

Adams App. No. 01CA716, 2002-Ohio-2381.

**2002-1077. State v. Webb.**

Logan App. No. 80126, 2002-Ohio-2199.

**2002-1080. State v. Nicholson.**

Lucas App. Nos. L-02-1063, L-02-1064, L-02-1065 and L-02-1066. On discretionary appeal and motion to consolidate. Appeal and motion denied.

Resnick, J., not participating.

**2002-1081. State v. Dimitrov.**

Cuyahoga App. No. 76986, 2002-Ohio-2350.

**2002-1082. Lakewood v. Sullivan.**

Cuyahoga App. No. 79382, 2002-Ohio-2134.

**2002-1083. State v. Harris.**

Belmont App. No. 00BA26, 2002-Ohio-2411.

**2002-1088. In re Miles.**

Wayne App. No. 01CA0054, 2002-Ohio-2438.  
Moyer, C.J., dissents.

**2002-1089. State v. Robinson.**

Cuyahoga App. No. 79766, 2002-Ohio-2144.

**2002-1091. State v. Lawson.**

Cuyahoga App. No. CA02081033.

**2002-1092. Hooks v. Ciccolini.**

Summit App. No. 20745, 2002-Ohio-2322.

**2002-1094. State v. Bryant.**

Cuyahoga App. No. 79841, 2002-Ohio-2136.

**2002-1098. Genton v. Ohio Dept. of Natural Resources.**

Franklin App. No. 01AP-705, 2002-Ohio-2392.

**2002-1099. State v. Teasley.**

Franklin App. Nos. 00AP-1322 and 00AP-1323, 2002-Ohio-2333.  
Lundberg Stratton, J., dissents.

**2002-1100. Denney v. Progressive Ins. Co.**

Jackson App. No. 01CA17, 2002-Ohio-2606.  
Resnick and F.E. Sweeney, JJ., dissent.

**2002-1105. State v. Ranson.**

Franklin App. No. 01AP-1049, 2002-Ohio-2398.

**2002-1108. Reiter Dairy, Inc. v. Ohio Dept. of Health.**

Franklin App. No. 01AP-944, 2002-Ohio-2402.  
Pfeifer, J., dissents.

**2002-1110. State v. Wright.**

Hamilton App. No. C-010573.

**2002-1118. State v. Sahr.**

Lorain App. No. 01CA007916, 2002-Ohio-2325.

**2002-1119. State v. Smith.**

Fairfield App. No. 00CA63, 2001-Ohio-1952.

Pfeifer and Lundberg Stratton, JJ., would allow.

Cook, J., would allow and hold the cause for the decision in 2002-0201, *State v. Fisher*, Franklin App. No. 01AP-614, 2001-Ohio-8772.

**2002-1123. Harbin v. Ohi-Tec Mfg., Inc.**

Clark App. No. 2001CA70, 2002-Ohio-2923.

**2002-1125. State v. Jennings.**

Franklin App. No. 00AP-1283.

**2002-1127. State v. Brindley.**

Franklin App. No. 01AP-926, 2002-Ohio-2425.

**2002-1129. Dunn's Lanes, Inc. v. Ohio Liquor Control Comm.**

Franklin App. No. 01AP-967, 2002-Ohio-2423.

Douglas and Lundberg Stratton, JJ., dissent.

**2002-1132. Hamilton v. Hamilton.**

Warren App. Nos. CA2001-01-005 and CA2001-01-010, 2002-Ohio-2417. On discretionary appeal and motion for admission pro hac vice of Daniel Churchill by Thomas J. Diehl. Appeal and motion denied.

Douglas and Resnick, JJ., dissent.

**2002-1133. State v. Goggans.**

Cuyahoga App. No. 79578, 2002-Ohio-2249.

Lundberg Stratton, J., dissents.

**2002-1134. Okubo v. Shimizu.**

Greene App. No. 2001CA134, 2002-Ohio-2624.

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

**2002-1142. State v. Steimle.**

Cuyahoga App. Nos. 79154 and 97155, 2002-Ohio-2238.

Resnick, J., dissents.

**2002-1145. State v. Wiley.**

Licking App. No. 01CA00119, 2002-Ohio-2679.

Moyer, C.J., dissents.

**2002-1146. State v. Dalton.**

Franklin App. No. 02AP-117.

Douglas and Pfeifer, JJ., dissent.

**2002-1149. State v. Beach.**

Hamilton App. No. C-010377, 2002-Ohio-2759.

Lundberg Stratton, J., dissents.

**2002-1150. Conrad-Hutsell v. Colturi.**

Lucas App. No. L-01-1227.

Douglas, J., dissents.

**2002-1159. White v. Chambers.**

Allen App. No. 1-01-114, 2002-Ohio-2733.

**2002-1163. State v. Karasek.**

Montgomery App. Nos. 17408 and 17563, 2002-Ohio-2616.

**2002-1165. State v. Herring.**

Jefferson App. No. 00JE37, 2002-Ohio-2786.

**2002-1171. State v. Davidson.**

Stark App. No. 2001CA00386, 2002-Ohio-2887.

Moyer, C.J., dissents.

**2002-1175. Aliff v. Ohio Bur. of Emp. Serv.**

Summit App. No. 20828, 2002-Ohio-2642.

Douglas, J., dissents.

**2002-1179. Davenport v. Ohio Bur. of Workers' Comp.**

Franklin App. No. 01AP-827, 2002-Ohio-2768.

Resnick and Pfeifer, JJ., dissent.

**2002-1183. State v. Williams.**

Lucas App. No. L-01-1403, 2002-Ohio-2690.

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

**2002-1187. Coleman v. Cleveland School Dist.**

Cuyahoga App. No. 80239, 2002-Ohio-2262.



**2002-1190. State v. Miller.**

Cuyahoga App. No. 79924, 2002-Ohio-2389.

**2002-1192. James v. Partin.**

Clermont App. No. CA2001-11-086, 2002-Ohio-2602.

**2002-1197. State v. Nalls.**

Montgomery App. No. 19065, 2002-Ohio-2701.

**2002-1200. State v. Dingess.**

Franklin App. No. 01AP-1232, 2002-Ohio-2775.

**2002-1209. Limbacher v. Penn-Ohio Coal Co.**

Tuscarawas App. No. 2001AP070065, 2002-Ohio-2870.

**2002-1214. State v. Davis.**

Mahoning App. No. 01CA171, 2002-Ohio-2789.

**2002-1221. State v. Holmes.**

Lorain App. No. 01CA007805, 2002-Ohio-309.

**2002-1223. State v. Bragg.**

Cuyahoga App. No. 80438, 2002-Ohio-2743.

**2002-1234. In re Estate of Ahmed.**

Belmont App. No. 01BA16, 2002-Ohio-3175.

**2002-1253. Davis v. Davis.**

Pike App. No. 01CA668, 2002-Ohio-2859.

Lundberg Stratton, J, dissents.

**2002-1255. State v. Hill.**

Franklin App. No. 01AP-1237, 2002-Ohio-2882.

**2002-1273. State v. Young.**

Cuyahoga App. No. 79243, 2002-Ohio-2744.

Resnick, J., dissents.

**2002-1290. Thrower v. Akron Dept. of Pub. Hous. Appeals Bd.**

Summit App. No. 20778, 2002-Ohio-3409. On discretionary appeal and motion for sanctions for frivolous action. Appeal and motion denied.

**2002-1408. In re Gill.**

Cuyahoga App. No. 79640, 2002-Ohio-3242.

Lundberg Stratton, J., dissents.

**RECONSIDERATION OF PRIOR DECISIONS**

**1999-1268. State v. Cassano.**

Richland C.P. No. 98CR171H. Reported at 96 Ohio St.3d 94, 2002-Ohio-3751, 772 N.E.2d 81. On motion for reconsideration and motion to stay issuance of mandate. Motions denied.

**2001-1678. Luckenbill v. Midwestern Indemn. Co.**

Darke App. No. 01CA1536. Reported at 96 Ohio St.3d 1203, 2002-Ohio-3524, 771 N.E.2d 257. On motion for reconsideration. Motion denied.

Cook, J., dissents.

**2002-0634. Smith v. Amresco Mtge.**

Montgomery App. No. 18775, 2002-Ohio-1219. Reported at 96 Ohio St.3d 1465, 2002-Ohio-3910, 772 N.E.2d 1202. On motion for reconsideration. Motion denied.

**2002-0644. Raymond v. Sentry Ins.**

Lucas App. No. L-01-1357, 2002-Ohio-1228. Reported at 96 Ohio St.3d 1465, 2002-Ohio-3910, 772 N.E.2d 1202. On motion for reconsideration. Motion denied.

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

**2002-0731. Grenga v. Smith.**

Trumbull App. No. 2001-T-0040, 2002-Ohio-1179. Reported at 96 Ohio St.3d 1467, 2002-Ohio-3910, 772 N.E.2d 1203. On motion for reconsideration. Motion denied.

**2002-0778. Ferguson v. Dyer.**

Franklin App. No. 01AP-619, 2002-Ohio-1442. Reported at 96 Ohio St.3d 1468, 2002-Ohio-3910, 772 N.E.2d 1203. On motion for reconsideration. Motion denied.

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

**2002-0783. Hopkins v. Dyer.**

Tuscarawas App. Nos. 2001AP080087 and 2001AP080088, 2002-Ohio-1576. Reported at 96 Ohio St.3d 1468, 2002-Ohio-3910, 772 N.E.2d 1204. On motion for reconsideration of Personal Service Insurance Company. Motion denied.

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

On motion for reconsideration of Lumberman's Mutual Casualty Company. Motion denied.

Cook and Lundberg Stratton, JJ., dissent.

**2002-0789. In re Thomas.**

Warren App. No. CA2001-02-013, 2002-Ohio-1426. Reported at 96 Ohio St.3d 1469, 2002-Ohio-3910, 772 N.E.2d 1204. On motion for reconsideration. Motion denied.

Moyer, C.J., F.E. Sweeney and Lundberg Stratton, JJ., dissent.

**2002-0795. Carrick v. Akron Dept. of Pub. Health Hous. Appeals Bd.**

Summit App. No. 20776, 2002-Ohio-1632. Reported at 96 Ohio St.3d 1469, 2002-Ohio-3910, 772 N.E.2d 1204. On motion for reconsideration. Motion denied.

**2002-0836. Batton v. Hudson.**

Summit App. No. 20946. Reported at 96 Ohio St.3d 1470, 2002-Ohio-3910, 772 N.E.2d 1204. On motion for reconsideration. Motion denied.

**2002-0861. State v. Harris.**

Cuyahoga App. No. 78519, 2002-Ohio-1406. Reported at 96 Ohio St.3d 1470, 2002-Ohio-3910, 772 N.E.2d 1205. On motion for reconsideration. Motion denied.

**2002-0976. State v. Baker.**

Cuyahoga App. No. 81053. Reported at 96 Ohio St.3d 1454, 2002-Ohio-3819, 772 N.E.2d 124. On motion for reconsideration. Motion denied.

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

**2002-1045. State v. Phillips.**

Cuyahoga App. No. 79192. Reported at 96 Ohio St.3d 1454, 2002-Ohio-3819, 772 N.E.2d 125. On motion for reconsideration. Motion denied.

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