

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

April 4, 2002

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### MOTION AND PROCEDURAL RULINGS

#### **02-176. *In re Jones.***

Franklin App. No. 01AP-376. 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 dated January 22, 2002:

"In dependency/neglect cases, do the statutory privileges set forth in former R.C. 4732.19 and R.C. 2317.02(G) apply to the reports and/or testimony of a psychologist and a licensed independent social worker when such testimony and report were generated for forensic purposes only and do not concern communications made in the course of treatment?"

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

The conflict cases are *In re Layne* (June 25, 2001), Stark App. No. 2001CA00104, unreported, 2001 WL 1773763; *In re Daywalt* (Mar. 19, 2001), Stark App. Nos. 2000CA332 and 2000CA355, unreported; and *In re Kyle* (Dec. 1, 2000), Portage App. No. 2000-P-0014, unreported, 2000 WL 1774155.

#### **02-367. *Armstrong v. Best Buy Co.***

Lorain App. No. 01CA007848. 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 dated February 14, 2002:

"Appellant has proposed that a conflict exists between the districts on the following issue: Whether *Texler v. D.O. Summers Cleaners & Shirt Laundry Co.* (1998), 81 Ohio St.3d 677 [693 N.E.2d 271], abrogated the open and obvious doctrine as a complete bar to recovery and instead required that comparative negligence be applied to determine liability?"

Moyer, C.J., dissents.

The conflict case is *Schindler v. Gale's Superior Supermarket, Inc.* (2001), 142 Ohio App.3d 146, 754 N.E.2d 298.

## **APPEALS NOT ALLOWED FOR REVIEW**

**02-102. Physicians Ins. Co. of Ohio v. Univ. of Cincinnati Hosp. Aring Neurological Inst.**

Franklin App. No. 01AP-373.

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

**02-128. Connors v. Bridgestone Tire & Rubber Co.**

Cuyahoga App. No. 79645.

Douglas, Resnick and Pfeifer, JJ., dissent.

**02-153. Armstrong v. Best Buy Co.**

Lorain App. No. 01CA007848.

Douglas and Cook, JJ., would allow on Proposition of Law No. I.

F.E. Sweeney, J., would allow.

**02-161. Kinney v. Kroger Co.**

Franklin App. No. 01AP-443.

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

**02-186. In re Jones.**

Franklin App. No. 01AP-376.

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

Douglas and Pfeifer, JJ., would allow.

**02-291. Pillo v. Stricklin.**

Stark App. No. 2001CA00204.

Moyer, C.J., Pfeifer and Lundberg Stratton, JJ., dissent, would allow the appeal, and would hold this cause for the decision in 01-1709, *Kemper v. Michigan Millers Mut. Ins. Co.*, Certified Question of State Law, No. 9300CV07799.

## **ADMINISTRATIVE ACTIONS**

1. David R. Cory was appointed to the Commission on Continuing Legal Education.
2. Anne M. Valentine was appointed to the Supreme Court Rules Advisory Committee.
3. Proposed amendments to Gov.Bar R. XVII (Commission on Legal Education Opportunity [“CLEO”]) will be published for public comment.
4. Proposed amendments to Sup.R. 59, 60, 78, and Forms 1.0, 2.0, 2.1, 2.2, 4.0, 6.0, 8.0, 8.1, 8.2, 8.3, 8.4, 8.5, 13.0, 13.3, 13.8, and 13.9 (Standard Probate Forms) will be published for public comment.
5. Amendments to Sup.R. 50(C) and 99 (Definitions) were adopted.
6. Proposed amendments to DR 9-102 and Gov.Bar R. VI (Interest-Bearing Trust Accounts [“IOLTAs”]) will be published for public comment.
7. Michael P. Morrison was appointed Chair of the Board of Bar Examiners.
8. The amendments to the Rules for Reporting Opinions, adopted effective May 1, 2002, were clarified to the effect that paragraphs of the text of opinions are to be consecutively numbered, footnotes to the text are to be consecutively numbered, and, where a footnote contains more than one paragraph, each paragraph of the multiparagraph footnote is to be consecutively lettered.
9. Richard M. Lewis was appointed to the Commission on Certification of Attorneys as Specialists.
10. Scott McBride was appointed to the Board of Commissioners on Character and Fitness.
11. Donald K. Pond was appointed to the Ohio Public Defender Commission.