

The Supreme Court of Ohio

March 8, 2002

CASE ANNOUNCEMENTS

MOTIONS AND PROCEDURAL RULINGS

01-81. Univ. Hosps. of Cleveland v. Lynch.

Cuyahoga App. Nos. 77129 and 77134. This cause is pending before the court as an appeal and cross-appeal from the Cuyahoga County Court of Appeals. On May 2, 2001, this court ordered the Clerk of the Cuyahoga County Court of Appeals to certify and transmit the record in accordance with S.Ct.Prac.R. V. The Clerk certified the record on June 8, 2001, and, upon requests by this court to certify missing portions of the record, certified additional portions of the record on February 22, 2002. The court has determined that the following portions of the record have not been certified and transmitted by the Clerk of the Cuyahoga County Court of Appeals as required by this court's order and as requested.

| <u>Docket</u> | | |
|-----------------|-------------------|--|
| <u>Item No.</u> | <u>Date Filed</u> | <u>Item</u> |
| 1 | 7/28/98 | Complaint |
| 28 | 9/24/98 | Answer with Counterclaims |
| 34 | 10/26/98 | Reply to Counterclaims |
| 49 | 3/18/99 | Defendants' Equity Issues Trial Brief |
| 65 | 4/14/99 | Plaintiffs' Memo in Opp. to Defendants' Motion to Dismiss Equity Claims Rule 41(B)(2) |
| 84 | 6/30/99 | Plaintiffs' and Third Party Defendants' Motion for Summary Judgment on Defendants' Counterclaims |

Whereas the Clerk of the Cuyahoga County Court of Appeals has not certified and transmitted the record as required by this court's order,

IT IS ORDERED by the court, *sua sponte*, that the Clerk of the Cuyahoga County Court of Appeals show cause within ten days of the date of this order why he should not be held in contempt for failing to comply with this court's order.

01-1429. State v. Mink.

Montgomery C.P. No. 2000CA2900. This cause is pending before the court as a death penalty appeal from the Court of Common Pleas of Montgomery County. Upon consideration of the motion to withdraw as counsel by Gary W. Crim and Frank A. Malocu,

IT IS ORDERED by the court that the motion to withdraw as counsel be, and hereby is, denied.

IT IS FURTHER ORDERED by the court, *sua sponte*, that appellant shall file his brief within three days of the date of this entry.

01-2263. LTC Ohio, Inc. v. Franklin Cty. Bd. of Revision.

Board of Tax Appeals, No. 99-T-1993. This cause is pending before the court as an appeal from the Board of Tax Appeals. Upon consideration of appellant's motion for extension of time to file appellant's merit brief pending settlement pursuant to S.Ct.Prac.R. XIV(6)(C),

IT IS ORDERED by the court that the motion for extension of time be, and hereby is, granted, and appellant's merit brief is due on or before April 10, 2002.

02-254. State ex rel. AK Steel Corp. v. Jones.

In Mandamus and Prohibition. This cause originated upon the filing of a complaint in mandamus and prohibition on February 8, 2002. The relator accompanied its complaint with a memorandum in support of the writ as permitted by S.Ct.Prac.R. X(4).

On February 28, 2002, *amici curiae*, Ohio Manufacturers' Association et al., filed a motion for leave to file a memorandum in support of the writ. Whereas the Rules of Practice do not provide for the filing of a memorandum in support of the writ by an *amicus curiae* and whereas the request for leave to file was filed after the time allowed to the relator for filing a memorandum in support of the writ had passed,

IT IS ORDERED by the court that the motion for leave to file an *amici curiae* memorandum in support of the writ be, and hereby is, denied.

02-377. Mizen v. Utica Natl. Ins. Group.

Cuyahoga App. No. 79554. This cause was filed by Republic-Franklin Insurance Company on March 4, 2002, as an appeal from the judgment of the Cuyahoga County Court of Appeals entered on February 4, 2002, in Cuyahoga County Court of Appeals No. 79554. Also on March 4, 2002, Nationwide Agribusiness Insurance Company filed a notice of appeal from the same court of appeals' judgment. Whereas the second notice of appeal was inadvertently filed as a separate case, case No. 02-383,

IT IS ORDERED by the court, *sua sponte*, that the notice of appeal and memorandum in support of jurisdiction filed by Nationwide Insurance Company in case No. 02-383 shall be filed and docketed as a second notice of appeal and memorandum in support of jurisdiction in this case effective March 4, 2002; case No. 02-383 shall be dismissed; and the parties shall now proceed in this case in accordance with S.Ct.Prac.R. III.

02-383. Mizen v. Utica Natl. Ins. Group.

Cuyahoga App. No. 79554. This cause was filed by Nationwide Agribusiness Insurance Company on March 4, 2002, as an appeal from the judgment of the Cuyahoga County Court of Appeals entered on February 4, 2002, in Cuyahoga County Court of Appeals No. 79554. This appeal was preceded by the filing of case No. 02-377, an appeal from the same judgment, filed by Republic-Franklin Insurance Company on March 4, 2002. Whereas the second notice of appeal by Nationwide Agribusiness Insurance Company was inadvertently filed as a separate case,

IT IS ORDERED by the court, *sua sponte*, that the notice of appeal and memorandum in support of jurisdiction filed by Nationwide Insurance Company in this case shall be filed and docketed as a second notice of appeal and memorandum in support of jurisdiction in case No. 02-377 effective March 4, 2002; this case is dismissed; and the parties shall now proceed in case No. 02-377 in accordance with S.Ct.Prac.R. III.