

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

October 30, 2002

MERIT DECISIONS WITH OPINIONS

1999-1249. State v. Gross, 2002-Ohio-5524.

Muskingum C.P. No. CT-96-055. Judgment affirmed in part and cause remanded for resentencing.

Cook, J., concurs.

Moyer, C.J., and Douglas, J., concur in judgment only.

Pfeifer, J., concurs in part and dissents in part.

Resnick, F.E. Sweeney and Lundberg Stratton, JJ., concur in part and dissent in part.

MOTION AND PROCEDURAL RULINGS

2002-1349. Hooten v. Safe Auto Ins. Co.

Hamilton App. No. C-010576. 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 dated August 2, 2002:

"Must a trial court, before ruling on a motion for summary judgment under Civ.R. 56, either set an oral or non-oral hearing date or establish a cut-off date for parties to submit affidavits or materials opposing the motion?"

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

The conflict case is *Hall v. Klien* (Sept. 3, 1999), Wood App. No. WD-99-001, 1999 WL 682584.

APPEALS NOT ACCEPTED FOR REVIEW

2002-1029. State v. Tijerina.

Defiance App. No. 4-02-01, 2002-Ohio-2979.

2002-1275. State v. Hargrove.

Ashtabula App. No. 2000-A-0068, 2002-Ohio-2944.

2002-1280. Pavlik v. Barium & Chemicals, Inc.

Jefferson App. No. 02JE12.

2002-1281. State v. Gibson.

Trumbull App. No. 2001-T-0094, 2002-Ohio-3153.

2002-1283. McKee v. Inabnitt.

Adams App. No. 02CA738.

2002-1284. Carder Buick-Olds Co., Inc. v. Reynolds & Reynolds, Inc.

Montgomery App. No. 19114, 2002-Ohio-2912.

2002-1285. Quinn v. Fry.

Knox App. No. 02CA3, 2002-Ohio-3075.

2002-1286. Beneficial Mtge. of Ohio v. Jacobs.

Clark App. No. 01CA0080, 2002-Ohio-3162.

2002-1289. State v. Hensley.

Warren App. No. CA2002-01-002, 2002-Ohio-3494.

2002-1291. In re Williams.

Franklin App. No. 01AP-867, 2002-Ohio-2902.

2002-1292. State v. Hansbro.

Clark App. No. 2001CA88, 2002-Ohio-2922.

2002-1293. State v. Smith.

Cuyahoga App. No. 79637, 2002-Ohio-1662.

2002-1294. State v. Mitchell.

Franklin App. No. 02AP-472.

2002-1296. Goldberg v. Cohen.

Mahoning App. No. 01CA49, 2002-Ohio-3012.

Resnick and Pfeifer, JJ., dissent.

2002-1300. State v. Davis.

Lucas App. No. L-00-1143, 2002-Ohio-3046.

Resnick, J., not participating.

2002-1305. State v. Green.

Lucas App. No. L-01-1280, 2002-Ohio-3048.

2002-1306. Hall v. Watson.

Mahoning App. No. 01CA55, 2002-Ohio-3176.

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

2002-1308. State v. Moore.

Cuyahoga App. No. 79951, 2002-Ohio-1268.

Moyer, C.J., dissents.

2002-1309. Skrzypek v. WOIO TV 19.

Medina App. No. 3228-M, 2002-Ohio-3033.

Pfeifer, J., dissents.

2002-1310. Millersburg v. Harrington.

Holmes App. No. 01CA3.

2002-1311. Euclid Retirement Village, L.P. v. Griffin.

Cuyahoga App. No. 79840, 2002-Ohio-2710.

2002-1312. State v. Fille.

Clermont App. No. CA2001-08-066, 2002-Ohio-3879.

2002-1313. State v. Hacker.

Clark App. No. 2001CA85, 2002-Ohio-2920.

Lundberg Stratton, J., dissents.

2002-1318. Lassiter v. Lassiter.

Hamilton App. No. C-010309, 2002-Ohio-3136.

2002-1319. Cox v. G.W.D. Enterprises, Inc.

Cuyahoga App. No. 80065, 2002-Ohio-2670.

Pfeifer, J., dissents.

2002-1320. Hamilton v. McIntosh.

Butler App. No. CA2001-12-294.

2002-1321. Roper v. State Auto. Mut. Ins. Co.

Hamilton App. No. C-010117, 2002-Ohio-3283.

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

2002-1322. Hasch v. Vale.

Stark App. No. 2001CA00361, 2002-Ohio-3092.

2002-1323. State v. Auge.

Franklin App. No. 01AP-1272, 2002-Ohio-3061.

2002-1326. Rocky River v. Haller.

Cuyahoga App. No. 81264.

2002-1329. State v. Admire.

Cuyahoga App. No. 80249, 2002-Ohio-3267.

2002-1330. State v. Becker.

Allen App. No. 1-02-05, 2002-Ohio-3064.

2002-1331. Turner v. Progressive Cas. Ins. Co.

Cuyahoga App. No. 78862, 2002-Ohio-3240.

F.E. Sweeney, J., dissents.

2002-1332. Richard v. Croom.

Hamilton App. No. C-010524, 2002-Ohio-3134.

2002-1333. Mackell v. Armco, Inc.

Coshocton App. No. 01CA017, 2002-Ohio-3487.

Douglas, J., dissents.

2002-1334. Farm Credit Serv. of Mid. Am., ACA v. Tinsler.

Fulton App. No. F-02-004, 2002-Ohio-3151.

Resnick, J., not participating.

2002-1335. McGarry v. Horlacher.

Montgomery App. No. 18901, 2002-Ohio-3161. Discretionary appeal not accepted.

Lundberg Stratton, J., would allow on Proposition of Law Nos. II and III.

Cook, J., would allow.

Discretionary cross-appeal not accepted.

Douglas and Cook, JJ., dissent.

2002-1338. State v. Berner.

Medina App. No. 3275-M, 2002-Ohio-3024.

2002-1339. State v. Tatum.

Hamilton App. No. C-010723.

2002-1341. Ferrone v. Kovack.

Medina App. No. 3279-M, 2002-Ohio-3625.

2002-1342. State v. Zerla.

Franklin App. Nos. 01AP-1010, 01AP-1215 and 01AP-701.

Lundberg Stratton, J., not participating.

2002-1344. State v. McGuire.

Columbiana App. No. 01CO47, 2002-Ohio-3181.

Moyer, C.J., dissents.

2002-1345. In re Lavery.

Summit App. No. 20852, 2002-Ohio-3031.

2002-1346. Stephens v. Union Carbide Corp.

Cuyahoga App. No. 77143.

Lundberg Stratton, J., not participating.

2002-1352. Massillon v. Smart.

Stark App. No. 2001CA00328, 2002-Ohio-3603.

2002-1353. State v. Skala.

Cuyahoga App. No. 80331, 2002-Ohio-2962.

2002-1354. State v. Pacheco.

Stark App. No. 2001CA00294, 2002-Ohio-3602.

Lundberg Stratton, J., dissents.

2002-1355. State v. Fisher.

Franklin App. No. 01AP-1199, 2002-Ohio-3324.

2002-1356. Kline v. Parma.

Cuyahoga App. No. 80624.

2002-1358. State v. Cruse.

Franklin App. Nos. 01AP-1074 and 01AP-1075, 2002-Ohio-3259.

2002-1362. Proctor v. Bretz.

Portage App. No. 2001-P-0041, 2002-Ohio-3130.

Lundberg Stratton, J., dissents.

2002-1363. Humphrey v. Humphrey.

Ashtabula App. No. 2000-A-0092, 2002-Ohio-3121.

Pfeifer, J., dissents.

2002-1364. State v. Sturbaum.

Portage App. No. 2001-P-0056, 2002-Ohio-3131.

2002-1365. State v. Johnson.

Hamilton App. Nos. C-020004 and C-020046.

2002-1370. State v. Jackson.

Franklin App. No. 01AP-808, 2002-Ohio-3330.

2002-1376. State v. Webb.

Cuyahoga App. No. 79860, 2002-Ohio-2954.

2002-1378. State v. Hessler.

Franklin App. No. 01AP-1011, 2002-Ohio-3321.

2002-1379. Hooten v. Safe Auto Ins. Co.

Hamilton App. No. C-010576.

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

Lundberg Stratton, J., would allow.

2002-1382. Zupancic v. Carter Lumber Co.

Franklin App. No. 01AP-1248, 2002-Ohio-3246.
Moyer, C.J., Pfeifer and Lundberg Stratton, JJ., dissent.

2002-1384. State v. Sloan.

Cuyahoga App. No. 79832, 2002-Ohio-2669.

2002-1385. State v. Banks.

Franklin App. No. 01AP-1179, 2002-Ohio-3341.

2002-1386. State v. Primus.

Franklin App. No. 01AP-1296, 2002-Ohio-3258.

2002-1387. Palmer v. Pheils.

Wood App. No. WD-01-010, 2002-Ohio-3422.

Moyer, C.J., and Cook, J., not participating.

2002-1388. McKinley v. Standby Screw Machine Prod. Co.

Cuyahoga App. No. 80146, 2002-Ohio-3112.

Lundberg Stratton, J., not participating.

2002-1389. State v. Doan.

Clinton App. No. CA2001-09-030, 2002-Ohio-3351.

2002-1390. Toyota Motor Sales, U.S.A., Inc. v. Spitzer Motors of Elyria, Inc.

Franklin App. Nos. 01AP-1267 and 01AP-1273, 2002-Ohio-3327.

2002-1392. State v. Fender.

Lorain App. No. 01CA007934, 2002-Ohio-3184.

2002-1393. Goering v. Willow Creek Homeowners' Assn.

Hamilton App. Nos. C-010214 and C-010219, 2002-Ohio-3285.

2002-1394. Edstrom v. Universal Underwriters Ins. Co.

Franklin App. No. 01AP-1009, 2002-Ohio-3334.

Moyer, C.J., and Cook, J., dissent and would hold this cause for the decision in 2002-0740 and 2002-0977, *Purvis v. Cincinnati Ins. Co.*, Greene App. No. 2001CA104, 2002-Ohio-1803.

Lundberg Stratton, J., dissents and would hold this cause for the decision in 2002-0291, *Pillo v. Stricklin*, Stark App. No. 2001CA00204, 2001-Ohio-7049.

2002-1395. State v. Oglesby.

Morrow App. No. CA939, 2002-Ohio-3480.

2002-1396. State v. Couch.

Butler App. No. CA2001-06-132, 2002-Ohio-3347.

2002-1397. Estep v. Rieter Automotive N. Am., Inc.

Lucas App. No. L-01-1216, 2002-Ohio-3411.

2002-1401. J.A. Berk & Assoc. v. Levin.

Lorain App. No. 01CA007943, 2002-Ohio-3182.

2002-1402. State ex rel. Montgomery v. Goss.

Muskingum App. No. CT20010060, 2002-Ohio-3479.

2002-1403. State v. Lawson.

Franklin App. No. 02AP-148, 2002-Ohio-3329.

2002-1404. Natl. Eng. & Contr. Co. v. Genesis Steel Serv., Inc.

Hamilton App. No. C-010441.

2002-1406. State v. Littlefield.

Marion App. No. 9-02-03, 2002-Ohio-3399.

2002-1410. State v. Idowu.

Hamilton App. No. C-010646, 2002-Ohio-3302.

Pfeifer and Lundberg Stratton, JJ., dissent.

2002-1411. State v. Knigga.

Hamilton App. No. C-010750.

2002-1412. State v. Tucker.

Franklin App. No. 00AP-670.

2002-1414. State v. Small.

Franklin App. Nos. 01AP-1007 and 01AP-1008.

2002-1415. Hager v. Waste Technologies Industries.

Columbiana App. No. 2000CO45, 2002-Ohio-3466.

Douglas, Resnick and Pfeifer, JJ., dissent.

2002-1417. Pearn v. DaimlerChrysler Corp.

Summit App. Nos. 20643, 20704, and 20707, 2002-Ohio-3197.

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

2002-1418. Haller v. Goodyear Tire & Rubber Co.

Summit App. Nos. 20669 and 20670, 2002-Ohio-3187.

Lundberg Stratton, J., dissents.

2002-1419. State v. Myers.

Medina App. Nos. 3260-M and 3261-M, 2002-Ohio-3195.

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

2002-1422. Braucher v. Mariemont Auto.

Hamilton App. No. C-010599, 2002-Ohio-3298.

2002-1423. Moroney v. State Farm Mut. Auto. Ins. Co.

Richland App. No. 01CA99, 2002-Ohio-3829.

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

2002-1425. State v. Calhoun.

Lake App. No. 2001-L-021, 2002-Ohio-3371.

Lundberg Stratton, J., dissents and would hold this cause for the decision in 2001-1253 and 2001-1266, *Layne v. Ohio Adult Parole Auth.*, Marion App. No. 9-2001-06, 2001-Ohio-2222.

2002-1431. In re Estate of Sintic.

Lake App. No. 2001-L-145, 2002-Ohio-3375.

F.E. Sweeney, J., dissents.

2002-1435. State v. Sargent.

Butler App. No. CA2001-11-270, 2002-Ohio-3597.

2002-1468. Schultz v. Ohio Bur. of Workers' Comp.

Scioto App. No. 01CA2809, 2002-Ohio-3622.

Resnick and Pfeifer, JJ., dissent.

2002-1482. State v. Palmer.

Hamilton App. No. C-010583, 2002-Ohio-3536.

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

2002-1613. In re Baby Girl Doe.

Lucas App. No. L-02-1027, 2002-Ohio-4470.

Resnick, J., dissents.