

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

December 27, 2002

MOTION AND PROCEDURAL RULINGS

1999-0570. DeRolph v. State.

Perry C.P. No. 22043. On motion for payment of attorney fees and expenses. Motion denied.

2002-1783. Wentling v. Motorists Ins. Cos.

Stark App. No. 2002CA00027, 2002-Ohio-4672. On review of order certifying a conflict. The court determines that a conflict exists; cause consolidated with 2002-1742, *Wentling v. Motorists Ins. Cos.*, Stark App. No. 2002CA00027, 2002-Ohio-4672; causes held for the decision in 2002-0579, *Burkhart v. CNA Ins. Co.*, Stark App. No. 2001CA00265, 2002-Ohio-903; briefing schedule stayed.

2002-1951. State v. Bowman.

Montgomery App. No. 18176. On motion for leave to file delayed appeal. Motion denied.

2002-1991. State v. Hawkins.

Stark App. No. 2002CA00095. On motion for leave to file delayed appeal. Motion denied.

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

2002-2016. State v. Matthews.

Cuyahoga App. No. 68960. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2002-2020. State v. Fields.

Hamilton App. Nos. C-010688 and C-010720, 2002-Ohio-4451. On motion for leave to file delayed appeal. Motion denied.

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

2002-2026. State v. Knox.

Lorain App. No. 99CA007391. On motion for leave to file delayed appeal. Motion denied.

2002-2035. State v. Ramirez.

Franklin App. No. 01AP-859, 2002-Ohio-4298. On motion for leave to file delayed appeal. Motion denied.

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

2002-2124. State v. Dumas.

Mahoning App. No. 98CA167, 2002-Ohio-6614. On motion for stay of court of appeals' judgment. Motion denied.

Moyer, C.J., and F.E. Sweeney, J., dissent.

APPEALS ACCEPTED FOR REVIEW

2002-1550. White v. Conrad.

Medina App. No. 3287-M.

Cook and Lundberg Stratton, JJ., dissent.

2002-1560. Johns v. Horton.

Hamilton App. No. C-010672, 149 Ohio App.3d 252, 2002-Ohio-3802, 776 N.E.2d 1146.

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

2002-1575. Barnhill v. Hamilton.

Butler App. No. CA2002-03-052.

Cook, J., concurs and would also hold this cause for the decision in 2002-0367, *Armstrong v. Best Buy Co.*, Lorain App. No. 01CA007848, 2001-Ohio-1934.

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

2002-1620. McGowan v. Family Medicine, Inc.

Stark App. No. 2001CA00385, 2002-Ohio-4071.

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

2002-1742. Wentling v. Motorists Ins. Cos.

Stark App. No. 2002CA00027, 2002-Ohio-4672. Discretionary appeal allowed; cause consolidated with 2002-1783, *Wentling v. Motorists Ins. Cos.*, Stark App. No. 2002CA00027, 2002-Ohio-4672; causes held for the decision in 2002-0579, *Burkhart v. CNA Ins. Co.*, Stark App. No. 2001CA00265, 2002-Ohio-903; briefing schedule stayed.

APPEALS NOT ACCEPTED FOR REVIEW

2002-1822. State v. Jones.

Hamilton App. No. C-940691.

2002-1824. State v. Rhodes.

Belmont App. No. 99BA62, 2002-Ohio-1572.

2002-1832. State v. Hutchison.

Tuscarawas App. 2001AP030020.

2002-1918. State v. Malroit.

Medina App. No. 3034-M.

RECONSIDERATION OF PRIOR DECISIONS

2001-1732. State v. Latorres.

Ashtabula App. Nos. 2000-A-0060 and 2000-A-0062. Reported at 97 Ohio St.3d 1214, 2002-Ohio-5864, 777 N.E.2d 842. Motions denied.

Lundberg Stratton, J., dissents and would grant the motion for reconsideration.

2002-0720. Toledo Bar Assn. v. Cook.

Reported at 97 Ohio St.3d 225, 2002-Ohio-5787, 778 N.E.2d 40. On motion for reconsideration. Motion denied.

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

Resnick, J., not participating.

2002-1345. In re Lavery.

Summit App. No. 20852, 2002-Ohio-3031. Reported at 97 Ohio St.3d 1422, 2002-Ohio-5820, 777 N.E.2d 276. On motion for reconsideration. Motion denied.

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

Hamilton App. No. C-010576. Reported at 97 Ohio St.3d 1423, 2002-Ohio-5820, 777 N.E.2d 275. On motion for reconsideration. Motion denied.

Cook, J., dissents and would allow on Propositions of Law Nos. I and II.

Lundberg Stratton, J., dissents and would allow.

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

Franklin App. No. 01AP-1009, 2002-Ohio-3334. Reported at 97 Ohio St.3d 1423, 2002-Ohio-5820, 777 N.E.2d 277. On motion for reconsideration. Motion denied.

Cook, J., dissents, would allow, 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 allow.

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

Lucas App. No. L-01-1216, 2002-Ohio-3411. Reported at 97 Ohio St.3d 1424, 2002-Ohio-5820, 777 N.E.2d 277. On motion for reconsideration. Motion denied.

2002-1415. Hager v. Waste Technologies Industries.

Columbiana App. No. 2000CO45, 2002-Ohio-3466. Reported at 97 Ohio St.3d 1424, 2002-Ohio-5820, 777 N.E.2d 278. On motion for reconsideration. Motion granted and discretionary appeal allowed.

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

2002-1417. Pearn v. DaimlerChrysler Corp.

Summit App. Nos. 20643, 20704 and 20707, 148 Ohio App.3d 228, 2002-Ohio-3197. Reported at 97 Ohio St.3d 1424, 2002-Ohio-5820, 777 N.E.2d 278. On motion for reconsideration. Motion denied.

Moyer, C.J., dissents.

2002-1419. State v. Myers.

Medina App. Nos. 3260-M and 3261-M, 2002-Ohio-3195. Reported at 97 Ohio St.3d 1424, 2002-Ohio-5820, 777 N.E.2d 278. On motion for reconsideration of Richard A. Myers and George D. Pamer. Motion denied.

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

2002-1487. Snyder v. Fairborn.

Greene App. No. 2001CA107, 2002-Ohio-3569. Reported at 97 Ohio St.3d 1470, 2002-Ohio-6347, 779 N.E.2d 236. On motion for reconsideration. Motion denied.

2002-1488. Yajnik v. Akron Dept. of Health, Hous. Div.

Summit App. No. 20844, 2002-Ohio-3501. Reported at 97 Ohio St.3d 1470, 2002-Ohio-6347, 779 N.E.2d 236. On motion for reconsideration. Motion granted and discretionary appeal allowed.

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

2002-1489. Hart v. Am. Guar. & Liab. Ins. Co.

Tuscarawas App. No. 2001AP100094, 2002-Ohio-3676. Reported at 97 Ohio St.3d 1470, 2002-Ohio-6347, 779 N.E.2d 236. On motion for reconsideration. Motion denied.

2002-1759. In re Bowers.

Franklin App. Nos. 02AP-347 and 02AP-379, 2002-Ohio-5084. Reported at 97 Ohio St.3d 1471, 2002-Ohio-6347, 779 N.E.2d 237. On motion for reconsideration of appellants Judy Bowers and Donald Thorington Sr. Motion denied.

Pfeifer, J., dissents.

2002-2068. State ex rel. Kafele v. Karnes.

In Mandamus and Prohibition. Reported at 97 Ohio St.3d 1475, 2002-Ohio-6714, 779 N.E.2d 1049. On motion for reconsideration and/or issue a temporary restraining order. Motion denied.

DISCIPLINARY CASES

1992-0422. Columbus Bar Assn. v. Gaba.

On motion for order to appear and show cause. Motion granted.

Douglas, J., dissents and would dismiss the cause.

2002-0583. Columbus Bar Assn. v. Smith.

On motion for order to appear and show cause. Motion granted.

F.E. Sweeney, J., not participating.

2002-0979. In re Resignation of Carnahan.

On affidavit of resignation from the practice of law of Larry K. Carnahan, Attorney Registration No. 0019285, and report filed under seal by Disciplinary Counsel. Resignation accepted with designation of disciplinary action pending.

2002-2078. In re Bein.

On interim suspension on felony conviction. Interim suspension ordered against William Sam Bein, Attorney Registration No. 0033234.