

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

December 10, 2003

MERIT DECISIONS WITH OPINIONS

2003-1352 and 2003-1497. Daugherty v. Hamilton, 2003-Ohio-6217.

Ottawa App. No. OT-02-015, 2003-Ohio-3685 and 2003-Ohio-3984. Discretionary appeal accepted, certification of conflict not accepted, cross-appeal dismissed as moot, and judgment against Travelers Property Casualty Company reversed.

Moyer, C.J., Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.
Resnick, F.E. Sweeney and Pfeifer, JJ., dissent.

2003-1541. Moorhead v. Nationwide Mut. Fire Ins. Co., 2003-Ohio-6218.

Stark App. No. 2002CA00391, 2003-Ohio-4028. Discretionary appeal accepted and judgment affirmed in part and reversed in part.

Moyer, C.J., Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.
Resnick, F.E. Sweeney and Pfeifer, JJ., dissent.

MERIT DECISIONS WITHOUT OPINIONS

2003-1790. State ex rel. White v. Harmon.

In Mandamus. On complaint in mandamus of Anthony P. White, or, in the alternative, writ of procedendo.

On S.Ct.Prac.R. X(5) determination, cause dismissed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer and O'Connor, JJ., concur.

Lundberg Stratton and O'Donnell, JJ., dissent and would grant an alternative writ.

2003-1832. State ex rel. Harris v. Ohio Adult Parole Auth.

In Mandamus. On answer of respondent.

On S.Ct.Prac.R. X(5) determination, cause dismissed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

2003-1919. Ferrell v. Brigano.

In Habeas Corpus. On petition for writ of habeas corpus of Mark Ferrell. Sua sponte, cause dismissed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

2003-1954. State ex rel. Hart v. Lan.

In Mandamus and Prohibition. On complaint in mandamus and prohibition of Kevin C. Hart.

On S.Ct.Prac.R. X(5) determination, cause dismissed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

MOTION AND PROCEDURAL RULINGS

1987-1879. State v. Roe.

Franklin App. No. 86AP-59. On motion to set execution date. Motion granted and date set for February 3, 2004.

2002-0148. State ex rel. Devore Roofing & Painting v. Indus. Comm.

Franklin App. No. 01AP-69. On motion of Devore Roofing and Painting for rehearing or rescheduling of oral argument. Motion denied.

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

On motion to strike motion of Devore Roofing and Painting for rehearing/rescheduling of oral argument by Industrial Commission. Motion denied as moot.

2002-1407. Coolidge v. Riverdale Local School Dist.

Hancock App. No. 5-01-42, 2002-Ohio-3401. On amici curiae motion for leave to file under S.Ct.Prac.R. XI of Ohio Chamber of Commerce et al., amicus curiae motion for leave to file under S.Ct.Prac.R. XI of Ohio AFL-CIO, amicus curiae motion for leave to file under S.Ct.Prac.R. XI of Ohio Academy of Trial Lawyers, amicus curiae motion for leave to file under S.Ct.Prac.R. XI of Workplace Injury Litigation Group, and amicus curiae motion for leave to file under S.Ct.Prac.R. XI of Ohio Education Association. Motions granted.

F.E. Sweeney, J., dissents.

O'Donnell, J., not participating.

2003-0172. State ex rel. Dellick v. Sherlock.

In Mandamus. On motion for an order requiring respondents to appear and show cause why they should not be punished for contempt. Sua sponte, the parties are to show cause why this cause should not be dismissed.

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

2003-1542. In re Application of Manayan.

On motion for leave to supplement record. Motion granted.

2003-1837. State v. Cline.

Champaign App. No. 2002CA05, 2003-Ohio-4712. On motion for stay of court of appeals' judgment. Motion granted.

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

2003-1898. State v. Smith.

Stark App. No. 2002CA00306. On motion for stay of court of appeals' decision. Motion denied.

2003-1918. State v. Sierra.

Cuyahoga App. No. 83264. On motion for leave to file delayed appeal. Motion denied.

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

2003-1921. State v. Gaston.

Cuyahoga App. No. 79626, 2002-Ohio-506. On motion for leave to file delayed appeal. Motion denied.

2003-1930. State v. Terrell.

Hamilton App. No. C-020194, 2003-Ohio-3044. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2003-1932. State v. Reid.

Montgomery App. No. 19352, 2003-Ohio-4087. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2003-1936. State v. Wilson.

Butler App. No. CA2002-02-038, 2002-Ohio-5880. On motion for leave to file delayed appeal. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2003-1654. State v. Johnson.

Cuyahoga App. No. 81814, 2003-Ohio-4180. Discretionary appeal accepted; cause held for the decision in 2002-1888, *State v. Jordan*, Cuyahoga App. No. 80675, 2002-Ohio-4587; and briefing schedule stayed.

Lundberg Stratton, J., concurs but would also hold for the decision in 2003-0567, *State v. Finger*, Cuyahoga App. No. 80691, 2003-Ohio-402.

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

2003-1734. State v. Carpenter.

Cuyahoga App. No. 82470, 2003-Ohio-4198. Discretionary appeal accepted; cause held for the decision in 2003-0252 and 2003-0283, *State v. Thompson*, Cuyahoga App. No. 78919, 2002-Ohio-6478; and briefing schedule stayed.

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

APPEALS NOT ACCEPTED FOR REVIEW

2003-1425. State v. Evans.

Jefferson App. No. 02JE11, 153 Ohio App.3d 226, 2003-Ohio-3475.

2003-1589. Douglass v. Salem Community Hosp.

Columbiana App. No. 2002CO07, 153 Ohio App.3d 350, 2003-Ohio-4006. Discretionary appeal and cross-appeal not accepted.

O'Donnell, J., would accept on Proposition of Law No. III.

Lundberg Stratton, J., would accept.

2003-1636. Doran v. Northmont Bd. of Edn.

Montgomery App. No. 19720, 153 Ohio App.3d 499, 2003-Ohio-4084.

2003-1655. State v. Hartley.

Cuyahoga App. No. 81706, 2003-Ohio-3946.

2003-1657. State v. Treadwell.

Hamilton App. No. C-000497.

2003-1658. State v. Chapman.

Cuyahoga App. No. 73609, 2003-Ohio-4163.

2003-1659. Kenney v. Kenney.

Warren App. No. CA2002-12-136.

2003-1663. N. Shore Auto Financing, Inc. v. Block.

Cuyahoga App. No. 82226, 2003-Ohio-3964.

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

2003-1664. Lasko v. Gen. Motors Corp.

Trumbull App. No. 2002-T-0143, 2003-Ohio-4103.

2003-1667. Gooch v. Westfield Ins. Co.

Summit App. No. 21420, 2003-Ohio-4267.

2003-1668. State v. Roberson.

Hancock App. No. 5-02-45, 2003-Ohio-4627.

2003-1670. State v. Myers.

Franklin App. No. 02AP-1187, 153 Ohio App.3d 547, 2003-Ohio-4135.

2003-1688. State v. Wells.

Cuyahoga App. No. 82334, 2003-Ohio-4071.

2003-1689. Norcold, Inc. v. Gateway Supply Co.

Shelby App. No. 17-03-02, 154 Ohio App.3d 594, 2003-Ohio-4252.

2003-1690. State v. Dye.

Hamilton App. Nos. C-020258 and C-020416.

2003-1691. State v. Morton.

Cuyahoga App. No. 82095, 2003-Ohio-4063.

2003-1695. Breno v. Mentor.

Cuyahoga App. No. 81861, 2003-Ohio-4051.

2003-1699. State v. Spence.

Butler App. No. CA2002-05-107, 2003-Ohio-4237.

2003-1700. State v. McDonald.

Cuyahoga App. No. 81972, 153 Ohio App.3d 679, 2003-Ohio-4342 and 2003-Ohio-4935.

O'Donnell, J., dissents.

2003-1701. Dayton v. Hewitt.

Montgomery App. No. 19650, 153 Ohio App.3d 695, 2003-Ohio-4324.

O'Donnell, J., dissents and would accept the appeal on Proposition of Law No. II.

2003-1711. Taylor v. Volunteers of Am.

Hamilton App. No. C-020651, 153 Ohio App.3d 698, 2003-Ohio-4306.

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

2003-1712. State v. Beagle.

Clark App. No. 2002CA59, 2003-Ohio-4331.

Lundberg Stratton, J., dissents.

O'Connor, J., dissents, would accept, and would hold this cause for the decision in 2002-1807, *State v. Schmitt*, Mercer App. No. 10-01-16, 2002-Ohio-4615.

2003-1715. Hamilton Ins. Serv., Inc. v. Nationwide Ins. Cos.

Richland App. No. 03CA6, 2003-Ohio-4482.

Pfeifer, J., dissents.

2003-1725. Humbert v. United Ohio Ins. Co.

Seneca App. No. 13-03-22, 154 Ohio App.3d 540, 2003-Ohio-4356.

2003-1731. Miley v. STS Sys., Inc.

Franklin App. No. 02AP-1321, 153 Ohio App.3d 752, 2003-Ohio-4409.

2003-1738. Frazier v. Nationwide Mut. Ins. Co.

Cuyahoga App. No. 82328, 2003-Ohio-4566.

F.E. Sweeney, J., dissents.

2003-1739. State v. Jones.

Cuyahoga App. No. 80737, 2003-Ohio-4397.

O'Donnell, J., not participating.

2003-1740. Evans v. Evans.

Scioto App. No. 02CA2869, 2003-Ohio-4674.

Moyer, C.J., and O'Donnell, J., dissent.

2003-1741. State v. Johnson.

Cuyahoga App. No. 81299, 2003-Ohio-4177.

Lundberg Stratton, J., dissents.

2003-1743. Hoover v. James.

Ashland App. No. 02COA045, 2003-Ohio-4373.

2003-1746. State v. Gonzalez.

Hamilton App. No. C-020384, 154 Ohio App.3d 9, 2003-Ohio-4421.

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

2003-1747. Ciura v. Carletti.

Mahoning App. No. 02CA212, 2003-Ohio-4460.

2003-1752. Robinson v. Johnson Coca-Cola Bottling Group, Inc.

Hamilton App. No. C-030070, 153 Ohio App.3d 764, 2003-Ohio-4417.

Discretionary appeal and motion for admission pro hac vice of S.R. Grubbs and H. Pinkley Jr. by N. Lampley Jr. for Johnson Coca-Cola etc. denied.

Pfeifer, J., dissents.

2003-1754. McQuaide v. Hamilton Cty. Bd. of Commrs.

Hamilton App. No. C-030033, 2003-Ohio-4420.

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

2003-1768. Toma v. Toma.

Cuyahoga App. No. 82118, 2003-Ohio-4344.

2003-1776. State v. Duncan.

Hamilton App. No. C-020016, 154 Ohio App.3d 254, 2003-Ohio-4695.

2003-1779. State v. Worwell.

Cuyahoga App. No. 80871, 2003-Ohio-4560.

2003-1787. State v. Wolf.

Belmont App. No. 02BE61, 154 Ohio App.3d 293, 2003-Ohio-4885.

2003-1797. State v. Elkins.

Summit App. No. 21380, 2003-Ohio-4522.

O'Connor, J., not participating.

2003-1806. State v. Reed.

Clark App. No. 03CA0004, 2003-Ohio-4848.

Moyer, C.J., and Lundberg Stratton, J., dissent, would accept, and would hold this cause for the decision in 2003-0392 and 2003-0560, *Pratts v. Hurley*, Ross App. No. 02CA2674, 2003-Ohio-864.

2003-1813. State v. Ferguson.

Tuscarawas App. No. 2002AP120096, 2003-Ohio-4770.

Pfeifer and O'Connor, JJ., dissent.

2003-1852. N. End Press, Inc. v. Marketing Serv. by Vectra, Inc.

Fairfield App. No. 2002CA00078, 2003-Ohio-4771.

RECONSIDERATION OF PRIOR DECISIONS

2003-1572. State ex rel. Howard v. Indus. Comm.

Franklin App. No. 97AP-860. Reported at 100 Ohio St.3d 1441, 2003-Ohio-5820, 797 N.E.2d 1289. On motion for reconsideration and motion for stay of court's October 31, 2003 entry. Motion denied.