

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

January 21, 2004

MERIT DECISIONS WITH OPINIONS

2002-0148. State ex rel. Devore Roofing & Painting v. Indus. Comm., 2004-Ohio-23.

Franklin App. No. 01AP-69. Judgment reversed and order reinstated.

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

2002-1314. Santos v. Ohio Bur. of Workers' Comp., 2004-Ohio-28.

Cuyahoga App. No. 80353, 2002-Ohio-2731. Judgment reversed.

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

2002-1807. State v. Schmitt, 2004-Ohio-37.

Mercer App. No. 10-01-16, 2002-Ohio-4615. Judgment reversed.

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

Lundberg Stratton, J., concurs in part and dissents in part.

Pfeifer, J., dissents.

2002-2015. State v. Weirtz, 2004-Ohio-37.

Delaware App. No. 02CAC06032, 2002-Ohio-5294. Judgment affirmed.

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

Lundberg Stratton, J., concurs in part and dissents in part.

Pfeifer, J., dissents.

2002-2138. Saunders v. Mortensen, 2004-Ohio-24.

Erie App. No. E-02-008, 2002-Ohio-6244. Judgment reversed.

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

2003-0568. Verizon N., Inc. v. Pub. Util. Comm., 2004-Ohio-44.

Public Utilities Commission, No. 00-127-TP-COI. On motion to dismiss the appeal and motion for leave to intervene of Ohio Consumers' Counsel or in the alternative request to treat as amicus curiae brief. Motion for leave to intervene granted and appeal dismissed.

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

Resnick and O'Donnell, JJ., not participating.

2003-0941. State ex rel. Shipp v. Indus. Comm., 2004-Ohio-25.

Franklin App. No. 02AP-861, 2003-Ohio-2190. Judgment affirmed consistent with the opinion of the court of appeals.

Moyer, C.J., Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

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

2003-0985. State ex rel. Saunders v. Indus. Comm., 2004-Ohio-26.

Franklin App. No. 02AP-697, 2003-Ohio-2020. Judgment affirmed consistent with the opinion of the court of appeals.

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

2003-1449. State v. Lyons, 2004-Ohio-27.

Ashtabula App. No. 2001-A-0056, 2003-Ohio-3494. Discretionary appeal accepted and judgment reversed.

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

F.E. Sweeney, J., dissents.

MERIT DECISIONS WITHOUT OPINIONS

2003-1598. Schirmer v. Brown Cty. Court of Common Pleas, Div. of Domestic Relations.

In Prohibition. On motion to dismiss amended complaint. Motion to dismiss sustained. Cause dismissed.

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

2003-1939. State ex rel. Ahmed v. Court of Appeals, Seventh Appellate Dist.

In Prohibition. On answer of respondent Hon. William Harris to original complaint, motion to dismiss of Judges of Seventh District Court of Appeals et al. to original complaint, motion to strike motion to dismiss of Judges of Seventh Appellate District Court of Appeals et al., etc., motion to dismiss of Benson A. Wolman and Eric Costine, motion for leave to file a response to answer of respondent William Harris, motion to strike answer of respondent William Harris, answer of respondent Grace L. Hoffman, motion for judgment on pleadings of Hon. William Harris, motion to strike answer of Grace Hoffman for lack of standing as respondent, motion to strike motion for judgment on the pleadings of Hon. William Harris, and motion for findings of fact and conclusions of law. Motions to dismiss sustained. Cause dismissed. All other motions are denied as moot.

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

2003-1949. Welsh v. Indiana Ins. Co.

Stark App. No. 02CA00378, 2003-Ohio-5054 and 2003-Ohio-5244. On review of order certifying a conflict. The court determines that no conflict exists. This cause is therefore dismissed.

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

2003-1971. State ex rel. Ridenbaugh v. Hottinger.

In Quo Warranto. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

2003-1977. Johnson v. Cleveland.

In Prohibition. 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.

2003-2026. State ex rel. Madonia v. Gravens.

In Mandamus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

2003-2073. State ex rel. Williams v. Croft.

In Mandamus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

2003-2074. Hamilton v. Dunlap.

In Habeas Corpus. On petition for writ of habeas corpus of Anton D. Hamilton. Sua sponte, cause dismissed.

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

2003-2082. Cline v. Buckeye Union Ins. Co.

Muskingum App. No. CT20030007, 2003-Ohio-5456. On review of order certifying a conflict. The court determines that no conflict exists. This cause is therefore dismissed.

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

2003-2120. State ex rel. Vasi v. Wiseman.

In Habeas Corpus. On petition for writ of habeas corpus of Jack K. Vasi. Sua sponte, cause dismissed.

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

2003-2124. Billups v. Hurley.

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

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

MOTION AND PROCEDURAL RULINGS

1999-1878. State v. Williams.

Lucas C.P. No. CR991366. On motion for stay of execution set for March 12, 2004. Motion granted.

Resnick, J., dissents.

2003-0860. State ex rel. Petro v. R.J. Reynolds Tobacco Co.

Franklin App. No. 02AP-591, 152 Ohio App.3d 345, 2003-Ohio-1654. On motion for admission pro hac vice of Timothy P. Keating by Susan C. Walker, and on motion for admission pro hac vice of amici curiae State Attorneys General et al. by Susan C. Walker. Motions granted.

2003-1887. State v. Roux.

Belmont App. No. 02BA11, 154 Ohio App.3d 296, 2003-Ohio-4876. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause consolidated with 2003-1886, *State v. Roux*, Belmont App. No. 02BA11, 154 Ohio App.3d 296, 2003-Ohio-4876; causes held for the decision in 2003-1048, and 2003-1049, *State v. White*, Guernsey App. No. 02CA23, 2003-Ohio-2289; and briefing schedule stayed.

F.E. Sweeney, J., dissents.

2003-2039. State ex rel. Heddleson v. Bradshaw.

In Habeas Corpus. On motion for stay pending decision in 2003-0392 and 2003-0560, *Pratts v. Hurley*, Ross App. No. 02CA2674, 2003-Ohio-864. Motion granted and cause held for the decision in *Pratts v. Hurley*.

2003-2042. State v. Gibson.

Highland App. No. 03CA1, 2003-Ohio-4910. On motion for leave to file delayed appeal. Motion granted.

Resnick, F.E. Sweeney and O'Connor, JJ., dissent.

2003-2052. State v. Paynter.

Muskingum App. No. CT20030014, 2003-Ohio-5367. On motion for leave to file delayed appeal. Motion denied.

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

2003-2053. State v. Goins.

Butler App. No. CA2002-12-314. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2003-2071. State v. Maag.

Hancock App. No. 5-01-49, 2002-Ohio-3953. On motion for leave to file delayed appeal. Motion denied.

2003-2076. State v. Edwards.

Cuyahoga App. No. 82327, 2003-Ohio-5503. On motion for appeal bond and/or motion for stay of execution of sentence. Motions denied.

2003-2090. State v. Van Peck.

Hamilton App. No. C-020182. On motion for stay of court of appeals' judgment. Motion denied.

2003-2094. State v. Thompson.

Jefferson App. No. 97JE40, 2003-Ohio-1607. On motion for leave to file delayed appeal. Motion denied.

2003-2102. Cincinnati Metro. Hous. Auth. v. Morgan.

Hamilton App. No. C-030078, 155 Ohio App.3d 189, 2003-Ohio-5671. On motion for stay of court of appeals' judgment. Motion denied.

2003-2103. State v. Kuhn.

Lucas App. No. L-02-1141, 2003-Ohio-3099. On motion for leave to file delayed appeal. Motion denied.

2003-2109. State v. Cross.

Franklin App. No. 03AP-597. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2003-2116. Carnes v. Kemp.

Auglaize App. No. 2-03-10, 2003-Ohio-5884. On amended motion for stay of court of appeals' judgment. Amended motion denied.

Moyer, C.J., and Resnick, J., dissent.

2003-2118. State ex rel. Gains v. Maloney.

In Prohibition. On S.Ct.Prac.R. X(5) determination. Sua sponte, alternative writ granted.

Pfeifer and Lundberg Stratton, JJ., dissent and would grant a peremptory writ.

2003-2131. State v. Schick.

Butler App. No. CA2002-10-261, 2003-Ohio-3700. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2003-2142. State ex rel. Lewis v. Collins.

In Mandamus. On motion for stay of trial court proceedings with motion for imposition of sanctions. Motion denied.

2003-2176. Dukes v. Hunter.

Tuscarawas App. No. 2003AP040035, 2003-Ohio-6401. On motion for stay of court of appeals' judgment. Motion denied.

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

2003-2200. The Villas at St. Therese Assisted Living v. Hahn.

Franklin App. No. 03AP-1126. On motion for stay of preliminary injunction. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2003-1851. Massillon City School Dist. Bd. of Edn. v. Massillon.

Stark App. No. 2002CA00368, 2003-Ohio-4812. Discretionary appeal and cross-appeal accepted.

Pfeifer, J., dissents.

2003-1886. State v. Roux.

Belmont App. No. 02BA11, 154 Ohio App.3d 296, 2003-Ohio-4876. Discretionary appeal accepted; cause consolidated with 2003-1887, *State v. Roux*, Belmont App. No. 02BA11, 154 Ohio App.3d 296, 2003-Ohio-4876; causes held for the decision in 2003-1048 and 2003-1049, *State v. White*, Guernsey App. No. 02CA23, 2003-Ohio-2289; and briefing schedule stayed.

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

2003-1947. Belmont Cty. Sheriff v. Fraternal Order of Police, Ohio Labor Council, Inc.

Belmont App. No. 03BE8, 2003-Ohio-5154 and 2003-Ohio-6095.

Lundberg Stratton, O'Connor and O'Donnell, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2003-0796. Giles v. Simonds.

Columbiana App. No. 02CO18, 2003-Ohio-1428. On discretionary appeal and motion to lift stay during pendency of motion to certify conflict. Appeal not accepted; motion to lift stay granted.

2003-1376. State v. Brown.

Mahoning App. No. 01CA229, 2003-Ohio-3551.

2003-1685. Dirksen v. Philpot.

Darke App. No. 1610, 2003-Ohio-4320. Discretionary appeal and cross-appeal not accepted.

2003-1703. State v. Todd.

Clermont App. No. CA2003-02-012, 2003-Ohio-6786.

2003-1726. McCullar v. Barth Industries Co.

Cuyahoga App. No. 82354, 2003-Ohio-4194. Discretionary appeal and cross-appeal not accepted.

F.E. Sweeney, J., dissents.

2003-1783. McGrath v. Westfield Ins. Co.

Cuyahoga App. No. 83036.

2003-1791. Sain v. Roo.

Franklin App. No. 02AP-448, 2003-Ohio-626.

2003-1824. Meyer v. Wabash Alloys.

Cuyahoga App. No. 80884, 2003-Ohio-4400. On discretionary appeal and motion of Wabash Alloys LLC and Connell Ltd. Partnership to strike notice of appeal and memo in support of jurisdiction. Appeal not accepted and motion denied.

2003-1830. DiMarco v. Shay.

Franklin App. No. 02AP-1317, 154 Ohio App.3d 141, 2003-Ohio-4685.

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

2003-1831. State v. Reed.

Mahoning App. No. 03MA92, 2003-Ohio-5441.

2003-1838. Busch v. Premier Integrated Med. Assoc., Ltd.

Montgomery App. No. 19364, 2003-Ohio-4709.

O'Donnell, J., dissents.

2003-1839. State v. Loch.

Franklin App. No. 02AP-1065, 2003-Ohio-4701.

Pfeifer, J., dissents.

2003-1841. State v. Matney.

Franklin App. Nos. 02AP-1166 and 02AP-1167, 2003-Ohio-4682.

2003-1842. State v. Williams.

Lorain App. No. 02CA008112, 2003-Ohio-4639.

2003-1845. Simpson v. Lakewood.

Cuyahoga App. No. 82624, 2003-Ohio-4953. On discretionary appeal and motion for referral of case for settlement conference. Appeal not accepted and motion denied.

2003-1846. Kimball v. Keystone Local School Dist.

Lorain App. No. 03CA008220, 2003-Ohio-4787.

2003-1847. Avery v. Avery.

Greene App. Nos. 2002CA105, 2002CA121, and 2003CA1, 2003-Ohio-4975.

2003-1848. State v. Kelly.

Medina App. No. 02CA0093-M, 154 Ohio App.3d 285, 2003-Ohio-4783.

Moyer, C.J., dissents.

2003-1850. Lexford Properties, Inc. v. Schiltz.

Stark App. No. 2003CA00025, 2003-Ohio-4897.

2003-1854. State v. Payne.

Franklin App. Nos. 02AP-723 and 02AP-725, 2003-Ohio-4891.

Pfeifer, J., dissents.

2003-1857. Schneider, Smeltz, Ranney & LaFond, P.L.L. v. Kedia.

Cuyahoga App. No. 82349, 154 Ohio App.3d 117, 2003-Ohio-4567.

O'Donnell, J., would accept on Propositions of Law Nos. II and III.

2003-1860. State v. Krantz.

Cuyahoga App. No. 82439, 2003-Ohio-4568.

2003-1870. Sheaffer v. Westfield Ins. Co.

Holmes App. No. 02CA14, 2003-Ohio-2409, 2003-Ohio-3203, and 2003-Ohio-4810.

Lundberg Stratton and O'Connor, JJ., dissent.

2003-1873. Castillo v. Nationwide Fin. Serv., Inc.

Franklin App. No. 02AP-1393, 2003-Ohio-4766. On discretionary appeal and motion for admission pro hac vice of J.M. Aerni, G.R. Dodge Jr., and C.C. Platt by Vladimir P. Belo, Esq. Appeal not accepted and motion denied.

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

2003-1874. State v. Lewis.

Cuyahoga App. No. 82055, 2003-Ohio-5240.

2003-1875. State v. Overstreet.

Hamilton App. No. C-030016.

2003-1876. State v. Guzman.

Franklin App. No. 02AP-1440, 2003-Ohio-4822.

O'Connor, J., would accept on Proposition of Law No. II.

2003-1879. Jones v. Elsea.

Pickaway App. No. 02CA27, 2003-Ohio-4900.

Lundberg Stratton, J., dissents.

2003-1882. State v. Spencer.

Cuyahoga App. No. 69490, 2003-Ohio-5064.

2003-1883. Akron v. Thomas.

Summit App. No. 21504, 2003-Ohio-4784.

2003-1884. State v. Stewart.

Cuyahoga App. No. 83456.

2003-1885. State v. Miller.

Lucas App. No. L-02-1265, 2003-Ohio-4857.

2003-1889. Aaron v. Venator Group.

Erie App. No. E-03-001, 2003-Ohio-4858.

2003-1893. Reynolds v. Ohio State Bd. of Examiners of Nursing Home Admrs.

Franklin App. No. 03AP-127, 2003-Ohio-4958.

Moyer, C.J., and Resnick, J., dissent.

2003-1895. State v. Turner.

Cuyahoga App. No. 81449, 2003-Ohio-4933.

2003-1898. State v. Smith.

Stark App. No. 2002CA00306.

2003-1902. State v. McKittrick.

Hancock App. No. 5-03-06, 2003-Ohio-5126.

2003-1905. State v. Yeager.

Summit App. Nos. 21091, 21112, and 21120, 2003-Ohio-1808.

2003-1906. State v. Powell.

Cuyahoga App. No. 82054, 2003-Ohio-4936.

O'Donnell, J., dissents.

2003-1907. McAllen v. Am. States Ins. Co.

Mahoning App. No. 02CA252, 2003-Ohio-5307.

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

2003-1910. State v. Jones.

Cuyahoga App. No. 82133, 154 Ohio App.3d 231, 2003-Ohio-4669.

2003-1911. State v. Gates.

Wood App. No. WD-03-015, 2003-Ohio-5186.

2003-1912. Andre v. Case Design, Inc.

Hamilton App. No. C-020800, 154 Ohio App.3d 323, 2003-Ohio-4960.

O'Connor, J., dissents.

2003-1915. Davis v. Liebson.

Hamilton App. No. C-020366, 154 Ohio App.3d 333, 2003-Ohio-4965.

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

2003-1920. Plance v. Metal Dynamics.

Wayne App. No. 03CA0004, 2003-Ohio-4902.

2003-1922. Freeman v. Brooks.

Franklin App. No. 02AP-1017, 154 Ohio App.3d 371, 2003-Ohio-4814.

2003-1923. Evans-Marshall v. Tipp City Exempted Village School Dist. Bd. of Edn.

Miami App. No. 03CA2, 2003-Ohio-4977.

F.E. Sweeney, J., dissents.

2003-1924. Woodward v. Apple Creek Developmental Ctr.

Wayne App. No. 02CA0070, 2003-Ohio-4903.

2003-1926. State v. Satta.

Marion App. No. 9-03-50.

Moyer, C.J., and O'Connor, J., dissent, would accept, and would hold for the decision in 2003-1048 and 2003-1049, *State v. White*, Guernsey App. No. 02CA23, 2003-Ohio-2289.

2003-1927. State v. Nyel.

Hamilton App. No. C-020640, 2003-Ohio-4961.

2003-1928. Landskroner v. Landskroner.

Cuyahoga App. No. 82375, 154 Ohio App.3d 471, 2003-Ohio-4945, and 2003-Ohio-5077.

2003-1929. State v. Johnson.

Cuyahoga App. No. 80857, 2003-Ohio-1826.

2003-1931. Davis v. Lockland Zoning Bd. of Appeals.

Hamilton App. No. C-020795, 154 Ohio App.3d 407, 2003-Ohio-4964.

O'Donnell, J., dissents.

2003-1933. State v. Hamilton.

Franklin App. No. 03AP-852.

2003-1934. Jones v. Bowens.

Ashtabula App. No. 2002-A-0034, 2003-Ohio-5224.

Moyer, C.J., and O'Donnell, J., would accept Proposition of Law No. I.

2003-1938. State v. Kitchen.

Ashland App. No. 02CA056, 2003-Ohio-5017.

2003-1941. Ellis v. Rubbermaid, Inc.

Wayne App. No. 03CA0002, 2003-Ohio-5046.

Resnick, J., dissents.

2003-1942. State v. McClutchen.

Cuyahoga App. No. 81821, 2003-Ohio-4802.

2003-1944. Chapman v. Chapman.

Summit App. No. 21443, 2003-Ohio-5043.

F.E. Sweeney, J., dissents.

2003-1945. State v. Garrett.

Butler App. No. CA2002-05-111, 2003-Ohio-5000.

Pfeifer, J., dissents.

2003-1946. May v. Westfield Village, L.P.

Ashland App. No. 02COA051.

Pfeifer, J., dissents.

2003-1948. Welsh v. Indiana Ins. Co.

Stark App. No. 2002CA00378, 2003-Ohio-5054 and 2003-Ohio-5244.

2003-1950. State v. Noling.

Portage App. No. 98-P-0049, 2003-Ohio-5008.

2003-1951. State v. Frunza.

Cuyahoga App. No. 82053, 2003-Ohio-4809.

2003-1952. Hamilton Cty. Bd. of Commrs. v. Cincinnati.

Hamilton App. Nos. C-020747 and C-020761, 154 Ohio App.3d 504, 2003-Ohio-5089.

Lundberg Stratton, J., dissents.

2003-1956. Dorsey v. Fed. Ins. Co.

Jefferson App. No. 02JE26, 154 Ohio App. 3d 568, 2003-Ohio-5144.

2003-1957. Cent. Funding, Inc. v. CompuServe Interactive Serv., Inc.

Franklin App. No. 02AP-972, 2003-Ohio-5037.

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

2003-1959. Snider v. Nieberding.

Clermont App. No. CA2002-12-105, 2003-Ohio-5715.

Resnick, J., dissents.

2003-1961. State v. McFadden.

Franklin App. No. 01AP-1476, 2002-Ohio-5073 and 2003-Ohio-5027.

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

Moyer, C.J., and Lundberg Stratton, J., would accept.

2003-1962. State v. Taborn.

Cuyahoga App. No. 83386.

2003-1969. State v. Steimle.

Cuyahoga App. Nos. 82183 and 82184, 2003-Ohio-4816.

2003-1975. State v. Varner.

Summit App. No. 21056, 2003-Ohio-719.

2003-1976. Nelson v. Mason.

Cuyahoga App. No. 83454.

Lundberg Stratton, J., dissents.

2003-1983. State v. Savage.

Lake App. No. 2002-L-036, 2003-Ohio-5220.

2003-1987. CMK, Ltd. v. Lorain Cty. Bd. of Commrs.

Lorain App. No. 02CA008185, 2003-Ohio-4388, 2003-Ohio-4700, and 2003-Ohio-5160.

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

2003-1996. Schwan v. Tasco Insulations, Inc.

Portage App. No. 2003-P-0074.

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

2003-2004. State v. Jordan.

Lucas App. No. L-02-1130, 2003-Ohio-5194.

2003-2007. State v. Rector.

Carroll App. No. 01 AP 758, 2002-Ohio-7442 and 2003-Ohio-5438.

2003-2009. Afjeh Family v. Ottawa Hills.

Lucas App. No. L-02-1229, 2003-Ohio-5173. On discretionary appeal and motion for leave to intervene of Nasrin Afjeh. Appeal not accepted and motion denied as moot.

Resnick, J., not participating.

2003-2038. Cline v. Buckeye Union Ins. Co.

Muskingum App. No. CT20030007, 2003-Ohio-5456.

2003-2129. In re Stillman.

Ashtabula App. No. 2003-A-0063, 155 Ohio App.3d 333, 2003-Ohio-6228.

O'Connor, J., dissents.

RECONSIDERATION OF PRIOR DECISIONS

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

Hancock App. No. 5-01-42, 2002-Ohio-3401. Reported at 100 Ohio St.3d 141, 2003-Ohio-5357, 797 N.E.2d 61. On motion for reconsideration. Motion denied.

Hildebrandt and Lundberg Stratton, JJ., dissent.

Lee H. Hildebrandt Jr., J., of the First Appellate District, sitting for Cook, J.

2003-1127. Davis v. Wilson.

Trumbull App. No. 2003-T-0049, 2003-Ohio-2840. Reported at 100 Ohio St.3d 269, 2003-Ohio-5898, 798 N.E.2d 379. On motion for reconsideration. Motion denied.

2003-1427. In re Ewanicky.

Cuyahoga App. No. 81742, 2003-Ohio-3351. Reported at 100 Ohio St.3d 1506, 2003-Ohio-6161, 799 N.E.2d 186. On motion for reconsideration. Motion denied.

2003-1446. Strayer v. Lincoln Gen. Ins. Co.

Allen App. No. 1-02-100, 2003-Ohio-3429. Reported at 100 Ohio St.3d 1484, 2003-Ohio-5992, 798 N.E.2d 1093. On motion for reconsideration. Motion denied.

Lundberg Stratton and O'Donnell, JJ., dissent.

2003-1485. Mullett v. Wheeling & Lake Erie Ry. Co.

Cuyahoga App. No. 81688, 2003-Ohio-3347. Reported at 100 Ohio St.3d 1485, 2003-Ohio-5992, 798 N.E.2d 1093. On motion for reconsideration. Motion denied.

Moyer, C.J., Lundberg Stratton and O'Donnell, JJ., dissent.

2003-1526. State v. James.

Franklin App. Nos. 03AP-607 and 03AP-608. Reported at 100 Ohio St.3d 1507, 2003-Ohio-6161, 799 N.E.2d 186. On motion for reconsideration. Motion denied.

2003-1595. Marckel v. Raceway Park, Inc.

Lucas App. No. L-02-1361, 2003-Ohio-3989. Reported at 100 Ohio St.3d 1508, 2003-Ohio-6161, 799 N.E.2d 187. On motion for reconsideration. Motion denied.

2003-1639. State v. Patton.

Medina App. No. 02CA0113-M, 2003-Ohio-4030. Reported at 100 Ohio St.3d 1509, 2003-Ohio-6161, 799 N.E.2d 187. On motion for reconsideration. Motion denied.

2003-1662. State v. Dumas.

Fairfield App. No. 02CA60, 2003-Ohio-4117. Reported at 100 Ohio St.3d 1509, 2003-Ohio-6161, 799 N.E.2d 187. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

2003-1729. State ex rel. Ahmed v. Harris.

In Prohibition. Reported at 100 Ohio St.3d 1504, 2003-Ohio-6161, 799 N.E.2d 184. On motion for reconsideration and motion to state findings of fact and law. Motions denied.

2003-1763. State ex rel. Johnson v. Croft.

In Mandamus. Reported at 100 Ohio St.3d 1504, 2003-Ohio-6161, 799 N.E.2d 184. On motion for reconsideration. Motion denied.

2003-1806. State v. Reed.

Clark App. No. 03CA0004, 2003-Ohio-4848. Reported at 100 Ohio St.3d 1532, 2003-Ohio-6458, 800 N.E.2d 48. On motion for reconsideration. Motion denied.

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

2003-1829. State v. Gambrel.

Miami App. No. 2000CA29. Reported at 100 Ohio St.3d 1505, 2003-Ohio-6161, 799 N.E.2d 185. On motion for reconsideration. Motion denied.