

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

November 5, 2004

MERIT DECISIONS WITHOUT OPINIONS

2004-1618. ADSA, Inc. v. Bessey.

In Prohibition. This cause originated in this court on the filing of a complaint for a writ of prohibition. Upon consideration of Ohio Attorney General Jim Petro's motion for leave to intervene and motion for judgment on pleadings, the motion to dismiss of receiver Jeffrey Lewis, and upon determination pursuant to S.Ct.Prac.R. X(5),

IT IS ORDERED by the court that the motion to intervene of Attorney General Jim Petro be, and hereby is, granted.

IT IS FURTHER ORDERED by the court that respondent Jeffrey Lewis's motion to dismiss and the Attorney General's motion for judgment on the pleadings be, and hereby are, granted and that this cause be, and hereby is, dismissed.

MOTION AND PROCEDURAL RULINGS

2004-0485. State v. Ketterer.

Butler C.P. No. CR2003-03-0309. This cause is pending before the court as a death penalty appeal from the Court of Common Pleas of Butler County. Upon consideration of appellant's motion to unseal the record,

IT IS ORDERED by the court that the motion be, and hereby is, granted and that the sealed record containing the defense motion at trial for appropriation of funds for expert assistance, and the trial court's entry granting that motion, are hereby unsealed.

2004-0563. Cincinnati Gas & Elec. Co. v. Pub. Util. Comm.

Public Utilities Commission, No. 01-2164-EL-ORD. This cause is pending before the court as an appeal from the Public Utilities Commission. Upon consideration of the parties' joint response to this court's October 12, 2004, show cause order,

IT IS ORDERED by the court that this appeal shall proceed on the merits. Appellant shall file its merit brief within 40 days of the date of this entry and the parties shall otherwise proceed in accordance with S.Ct Prac.R. VI.

2004-1490. State ex rel. Miami Valley Broadcasting Corp. v. Davis.

Montgomery App. No. 20587, 2004-Ohio-3860. The court hereby returns this case to the regular docket under S.Ct.Prac.R. XIV(6). Appellants shall file their merit briefs within 40 days of the date of this entry and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. VI. As provided in S.Ct.Prac.R. VI(7), the court may dismiss this case or take other action if the parties fail to timely file merit briefs.

2004-1634. State v. South.

Fairfield App. No. 04CA38, 2004-Ohio-5073. This cause is pending before the court as a discretionary appeal and claimed appeal of right. Upon consideration of appellant's motion for stay pending appeal of motion for stay of deposition and motion to quash subpoena,

IT IS ORDERED by the court that the motion for stay be, and hereby is, denied.

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

2004-1656. State v. Roble.

Lucas App. No. L-04-1219, 2004-Ohio-5404. This cause is pending before the court as a discretionary appeal. Upon consideration of appellant's motion for stay of the court of appeals judgment,

IT IS ORDERED by the court that the motion for stay of the court of appeals judgment be, and hereby is, denied.

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

2004-1780. Bell v. Berryman.

Franklin App. No. 03AP-500, 2004-Ohio-4708. This cause is pending before the court as a discretionary appeal. Upon consideration of appellant's motion for stay,

IT IS ORDERED by the court that the motion for stay fails for want of four votes.

Moyer, C.J., Resnick and F.E. Sweeney, JJ., vote to grant the motion.

Pfeifer, Lundberg Stratton and O'Connor, JJ., vote to deny the motion.

O'Donnell, J., not participating.