

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

March 3, 2004

MERIT DECISIONS WITH OPINIONS

2002-0900. State v. Lozier, 2004-Ohio-732.

Holmes App. No. 01CA21, 2002-Ohio-1671. Judgment affirmed and cause remanded.

Moyer, C.J., Resnick, Pfeifer, Harsha and Lundberg Stratton, JJ., concur.

F.E. Sweeney, J., dissents.

O'Connor, J., dissents.

William H. Harsha III, J., of the Fourth Appellate District, sitting for Cook, J.

2002-1666. State v. Doe, 2004-Ohio-705.

Montgomery App. No. 19408, 2002-Ohio-4966. Judgment affirmed.

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

F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur separately.

2002-1758. Coryell v. Bank One Trust Co., N.A., 2004-Ohio-723.

Franklin App. No. 02AP-191, 2002-Ohio-4443. Judgment reversed and cause remanded.

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

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

O'Donnell, J., dissents.

2002-1808. State v. Wagner, 2004-Ohio-706.

Paulding App. No. 11-02-03, 2002-Ohio-4883. Judgment reversed.

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

F.E. Sweeney, J., dissents.

Pfeifer, J., dissents.

Lundberg Stratton, J., dissents.

2003-0002 and 2003-0020. Maggiore v. Kovach, 2004-Ohio-722.

Stark App. No. 2002-CA-109, 2002-Ohio-6301. Judgment affirmed.

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

2003-0737. Summit Cty. Sheriff v. Fraternal Order of Police, Ohio Labor Council, Inc., 2004-Ohio-708.

Summit App. No. 21303, 2003-Ohio-1133. Judgment reversed.

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

Michael H. Watson, J., of the Tenth Appellate District, sitting for O'Connor, J.

2003-0819. State ex rel. Borden, Inc. v. Indus. Comm., 2004-Ohio-720.

Franklin App. No. 02AP-107, 2003-Ohio-1332. Judgment reversed.

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

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

2003-0829. State ex rel. Shandrow v. Roper Corp., 2004-Ohio-712.

Franklin App. No. 02AP-342, 2003-Ohio-1516. Judgment affirmed consistent with the opinion of the court of appeals.

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

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

2003-0865. State ex rel. Josephson v. Indus. Comm., 2004-Ohio-737.

Franklin App. No. 02AP-823, 2003-Ohio-1673. Judgment reversed.

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

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

2003-0960. State ex rel. Sanor Sawmill, Inc. v. Indus. Comm., 2004-Ohio-718.
Franklin App. No. 02AP-880, 2003-Ohio-2413. Judgment reversed and writ granted.

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

2003-1120. Disciplinary Counsel v. Moore, 2004-Ohio-734.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 02-85.

C. Michael Moore, Attorney Registration No. 0071174, is suspended from the practice of law for one year, stayed, on two years' probation with conditions.

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

Moyer, C.J., dissents.

2003-1222. State ex rel. Bray v. Indus. Comm., 2004-Ohio-709.

Franklin App. No. 02AP-939, 2003-Ohio-2885. Judgment affirmed consistent with the opinion of the court of appeals.

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

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

2003-1290. State ex rel. PCC Airfoils, Inc. v. Indus. Comm., 2004-Ohio-707.

Franklin App. No. 02AP-1143, 2003-Ohio-3122. 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.

2003-1343. Ryan v. Dolin, 2004-Ohio-713.

Cuyahoga App. No. 81689, 2003-Ohio-2738. On motion for reconsideration. Motion granted, judgment reversed, and cause remanded.

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

2003-1364. State ex rel. Allied Chem. Corp. v. Indus. Comm., 2004-Ohio-710.

Franklin App. No. 02AP-756, 2003-Ohio-3119. 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.

2003-1490. State v. Charlton, 2004-Ohio-715.

Lorain App. Nos. 02CA008048 and 02CA008049, 2003-Ohio-2631. Discretionary appeal accepted, judgment reversed, and cause remanded.

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

2003-1496. State ex rel. United Foundries, Inc. v. Indus. Comm., 2004-Ohio-704.

Franklin App. No. 02AP-922, 2003-Ohio-3942. Judgment affirmed.

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

2003-1514. Mahoning Cty. Bar Assn. v. Dann, 2004-Ohio-716.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 03-029.

Marc E. Dann, Attorney Registration No. 0039425, is publicly reprimanded.

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

2003-1537. In re Application of Harris, 2004-Ohio-721.

On Report by the Board of Commissioners on Character and Fitness of the Supreme Court, No. 226.

The application of Donald Ray Harris is disapproved. See opinion.

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

2003-1644. Drake v. Tyson-Parker, 2004-Ohio-711.

Lorain App. No. 03CA008280. Judgment affirmed.

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

2003-1727. State ex rel. White v. Suster, 2004-Ohio-719.

Cuyahoga App. No. 83277, 2003-Ohio-4956. Judgment affirmed.

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

2003-1730. Ponser v. St. Paul Fire & Marine Ins. Co., 2004-Ohio-714.

Licking App. No. 2002CA00072, 2003-Ohio-4377. Discretionary appeal accepted and judgment reversed in part. See opinion.

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

2003-2125. Ponser v. St. Paul Fire & Marine Ins. Co., 2004-Ohio-714.

Licking App. No. 2002CA00072, 2003-Ohio-4377. Certified questions accepted in part and judgment reversed in part. See opinion.

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

MERIT DECISIONS WITHOUT OPINIONS

2003-2044. State ex rel. Brown v. O'Brien.

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.

2003-2068. State ex rel. Hall 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.

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

In Mandamus. On motion to dismiss, amended motion to show cause, second motion for order to show cause, and motion for default judgment. Motion to dismiss sustained. Cause dismissed.

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

2003-2143. State ex rel. Fears v. Hartman.

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.

2003-2151. State ex rel. Najeeb v. Court of Appeals, Eighth Appellate Dist.

In Mandamus. On answer of respondent and motion for summary judgment. 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.

2003-2227. State ex rel. White v. Wilson.

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

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

2004-0034. State ex rel. Nedea v. Ohio Adult Parole Auth.

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

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

Pfeifer, J., dissents and would grant an alternative writ.

MOTION AND PROCEDURAL RULINGS

2002-1956. Tucker v. Wilson.

Clermont App. No. CA2002-01-002, 2002-Ohio-5142. On amicus curiae motion for leave to file under S.Ct.Prac.R. XI of the Ohio Academy of Trial Lawyers and motion of amicus curiae Member Companies of the American International Group, Inc. for leave to file a memo in response to OATL's motion for leave. Motions granted.

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

2003-0114. The Performing Arts School of Metro. Toledo, Inc. v. Wilkins.

Board of Tax Appeals, No. 2001-J-977. Sua sponte, each of the parties is ordered to submit an additional brief within 45 days addressing the following two issues:

First, does the exemption application filed by The Performing Arts School of Metropolitan Toledo, Inc. ("Arts School"), as a lessee, rather than as the owner, meet the jurisdictional requirements of R.C. 5715.27(A)?

Second, if the Arts School's initial exemption application did not meet the statutory requirements for jurisdiction, was the jurisdictional deficiency corrected by the addition of the owner, Gomez Enterprises, a limited partnership, as a party after the deadline for the filing of the exemption application?

2003-0622. Funtime, Inc. v. Wilkins.

Board of Tax Appeals, No. 2001-A-342. On request for oral argument before the full court. Request granted.

O'Donnell, J., dissents.

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

Franklin App. No. 97AP-860. On bill and documentation in support filed by Industrial Commission of Ohio in response to the court's entry of December 29, 2003, and bill and documentation in support of attorney fees of Seaway Food Town. Seaway Food Town is awarded \$938 and the Industrial Commission is awarded \$285.

2003-1794. State ex rel. Carmickle v. Indus. Comm.

Franklin App. No. 02AP-1427, 154 Ohio App.3d 74, 2003-Ohio-4574. On motion to consider case on record. Motion denied.

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

2003-1835. State v. Harris.

Montgomery App. No. 19311, 2003-Ohio-1046. On motion for leave to file delayed appeal. Motion denied.

2003-1899. State ex rel. Besser v. Columbus.

In Mandamus. On S.Ct.Prac.R. X(5) determination and on consideration of relator's request for attorney fees.

It is hereby ordered that an alternative writ be granted.

It is further ordered that relator's request for attorney fees be denied.

2003-1908. State ex rel. Hamilton Cty. Bd. of Commrs. v. State Emp. Relations Bd.

In Mandamus. On answer of respondent. Sua sponte, alternative writ granted.

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

2003-2158. State v. Byrd.

Hamilton App. Nos. C-020699 and C-020799. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2003-2160. State v. Caldwell.

Cuyahoga App. No. 80556, 2002-Ohio-4911. On motion for leave to file delayed appeal. Motion denied.

2003-2183. Carnes v. Kemp.

Auglaize App. No. 2-03-10, 2003-Ohio-5884. On review of order certifying a conflict. The court determines that a conflict exists.

F.E. Sweeney, J., dissents.

The parties are to brief the issue stated in the court of appeals' Journal Entry filed December 12, 2003:

“Upon consideration the court finds that the judgment in the instant case is in conflict with the judgment rendered by the Second District Court of Appeals in *Buechter v. Bodiker*, 2d Dist. No. 2002-CA-22, 2002-Ohio-5598, and the Fourth District Court of Appeals in *Sexton v. Conley*, 4th Dist. No. 01CA2823, 2002-Ohio-6346. Accordingly, the motions to certify a conflict are well taken and the following issue should be certified pursuant to App.R. 25:

“Does a court have subject-matter jurisdiction to award retroactive child support payments in a paternity action initiated after the child has reached the age of majority?”

Sua sponte, cause consolidated with 2003-2116, *Carnes v. Kemp*, Auglaize App. No. 2-03-10, 2003-Ohio-5884.

2003-2196. State v. Pruhs.

Clermont App. No. CA2001-03-037, 2001-Ohio-8661. On motion for leave to file delayed appeal. Motion denied.

2003-2203. State v. Lee.

Cuyahoga App. No. 82326, 2003-Ohio-5640. On motion for leave to file delayed appeal. Motion denied.

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

2003-2204. State v. Colvin.

Auglaize App. No. 2-98-38. On motion for leave to file delayed appeal. Motion denied.

2003-2205. State v. Colvin.

Auglaize App. No. 2-98-17. On motion for leave to file delayed appeal. Motion denied.

2003-2231. State v. Class.

Tuscarawas App. Nos. 2003AP010001 and 2003AP010006. On motion for stay of court of appeals' judgment. Motion denied.

2004-0009. State v. Green.

Montgomery App. No. 19224, 2003-Ohio-5744. On motion for leave to file delayed appeal. Motion granted.

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

2004-0013. State v. Graber.

Stark App. No. 2002CA00014, 2003-Ohio-137. On motion for leave to file delayed appeal. Motion denied.

Lundberg Stratton, J., dissents.

2004-0020. State v. Richards.

Cuyahoga App. No. 81452, 2003-Ohio-5235. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

APPEALS ACCEPTED FOR REVIEW

2003-1973. State v. Mayl.

Montgomery App. No. 19549, 154 Ohio App.3d 717, 2003-Ohio-5097.

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

2003-1989. State v. Kovacic.

Ashtabula App. No. 2002-A-0032, 2003-Ohio-5219.

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

2003-2035. Hess v. Norfolk S. Ry. Co.

Cuyahoga App. No. 80717, 153 Ohio App.3d 565, 2003-Ohio-4172. Discretionary appeal accepted on Proposition of Law No. I.

O'Donnell, J., concurs but would also accept Proposition of Law No. III.

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

2003-2063. DePalma v. Lima.

Allen App. No. 1-03-10, 155 Ohio App.3d 81, 2003-Ohio-5451.

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

2003-2116. Carnes v. Kemp.

Auglaize App. No. 2-03-10, 2003-Ohio-5884. Discretionary appeal accepted and cause consolidated with 2003-2183, *Carnes v. Kemp*, Auglaize App. No. 2-03-10, 2003-Ohio-5884.

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

APPEALS NOT ACCEPTED FOR REVIEW

2003-1457. State v. Kirby.

Butler App. No. CA2002-06-136, 2003-Ohio-2922.

2003-1859. Rex v. Conner.

Cuyahoga App. Nos. 81210 and 81810, 2003-Ohio-4561. Discretionary appeal and cross-appeal not accepted.

2003-1914. Maltz v. Royal Ins. Co. of Am.

Lucas App. No. L-02-1095, 2003-Ohio-3438 and 2003-Ohio-4970. Discretionary appeal and cross-appeal not accepted.

2003-1935. Akron v. Buchwald.

Summit App. No. 21433, 2003-Ohio-5044.

2003-1963. State v. Wolfe.

Summit App. No. 21260, 2003-Ohio-5051. Discretionary appeal not accepted and motion to strike notice of appeal and memorandum in support of jurisdiction denied.

2003-1966. Anderson v. A.C. & S., Inc.

Cuyahoga App. Nos. 82304 and 82426, 154 Ohio App.3d 393, 2003-Ohio-4943.
Moyer, C.J., Lundberg Stratton and O'Connor, JJ., dissent.

2003-1967. Ritter v. Fairway Park Properties, LLC.

Summit App. No. 21509, 154 Ohio App.3d 444, 2003-Ohio-5048.

2003-1968. Huntington Natl. Bank v. Gen. Clay Prod. Corp.

Vinton App. No. 03CA581.

2003-1970. Laurel Valley Oil Co. v. 76 Lubricants Co.

Tuscarawas App. No. 2003AP020017, 154 Ohio App.3d 512, 2003-Ohio-5163 and 2003-Ohio-5912.

2003-1972. Hammock v. Cincinnati Ins. Co.

Hamilton App. No. C-020783, 2003-Ohio-5090.

2003-1974. Gallagher v. O'Connor.

Montgomery App. No. 19702, 2003-Ohio-5095.
Moyer, C.J., dissents.

2003-1978. State v. Graber.

Stark App. No. 2003CA00110, 2003-Ohio-5364.

2003-1979. Zachary v. Crockett Homes, Inc.

Stark App. No. 2003CA00131, 2003-Ohio-5237.
Moyer, C.J., and Lundberg Stratton, J., dissent.

2003-1980. DeCesare v. Niles City School Dist. Bd. of Edn.

Trumbull App. No. 2001-T-0117, 154 Ohio App.3d 644, 2003-Ohio-5349.
Discretionary appeal not accepted.
Moyer, C.J., Lundberg Stratton and O'Connor, JJ., dissent.
Discretionary cross-appeal not accepted.
Lundberg Stratton and O'Connor, JJ., dissent.

2003-1981. Heard v. Toledo.

Lucas App. No. L-03-1032, 2003-Ohio-5191.
Resnick, F.E. Sweeney and Pfeifer, JJ., dissent.

2003-1982. Coldwell v. Allstate Ins. Co.

Crawford App. No. 3-03-04, 2003-Ohio-5139.
F.E. Sweeney, J., dissents.

2003-1990. Sky Bank v. Heckathorn.

Wood App. No. WD-03-016, 2003-Ohio-5202.

2003-1991. Security Fence Group, Inc. v. Cincinnati.

Hamilton App. No. C-020827, 2003-Ohio-5263.
Pfeifer and O'Connor, JJ., dissent.

2003-1993. Clinton Twp. Bd. of Trustees v. Yackee.

Fulton App. No. F-03-001, 2003-Ohio-5180.
Moyer, C.J., and Resnick, J., dissent.

2003-1995. State v. Anderson.

Mahoning App. No. 01CA214, 154 Ohio App.3d 789, 2003-Ohio-5439.

2003-1997. State v. Hall.

Franklin App. Nos. 02AP-1198, 02AP-1199, and 02AP-1200.

2003-1999. State v. Jung.

Washington App. No. 02CA40, 2003-Ohio-7346.

2003-2000. Classic A Properties v. Brown.

Scioto App. No. 02CA2868, 2003-Ohio-5850.

Pfeifer and Lundberg Stratton, JJ., dissent.

2003-2003. State v. Senich.

Cuyahoga App. No. 82581, 2003-Ohio-5082.

2003-2006. Hall v. Kemper Ins. Cos.

Pickaway App. No. 02CA17, 2003-Ohio-5457.

2003-2008. Kirch v. Ohio Bur. of Workers' Comp.

Franklin App. No. 02AP-1417, 154 Ohio App.3d 651, 2003-Ohio-5211.

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

2003-2010. State v. Williams.

Franklin App. Nos. 02AP-730 and 02AP-731, 2003-Ohio-5204.

2003-2012. State v. Gonzalez.

Hamilton App. Nos. C-020743 and C-020744.

Pfeifer, J., dissents.

2003-2013. State v. McCormick.

Montgomery App. No. 19505, 2003-Ohio-5330.

Pfeifer, J., dissents.

2003-2014. Mid-American Fire & Cas. Co. v. Broughton.

Belmont App. No. 02BE54, 154 Ohio App.3d 728, 2003-Ohio-5305.

2003-2015. State v. Gross.

Muskingum App. No. CT030036.

Lundberg Stratton, J., dissents.

2003-2016. State v. Drouse.

Cuyahoga App. No. 82008, 2003-Ohio-5238. Discretionary appeal not accepted.

Moyer, C.J., Lundberg Stratton and O'Connor, JJ., dissent.
Discretionary cross-appeal not accepted.
Lundberg Stratton, J., dissents.

2003-2018. Express Title Serv. of Ohio, Inc. v. Lagger.

Lucas App. No. L-02-1068, 2003-Ohio-5267.

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

2003-2019. State v. Johnson.

Scioto App. No. 03CA2907.

2003-2020. Stein v. Carter.

Clinton App. No. CA2003-04-009.

2003-2022. State v. Senu-Oke.

Franklin App. No. 02AP-68, 2003-Ohio-5379.

2003-2023. State v. McArtor.

Licking App. No. 2002CA00123, 2003-Ohio-5321.

2003-2028. Marvel Consultants, Inc. v. Friedman & Feiger.

Cuyahoga App. No. 82637, 2003-Ohio-5249.

Lundberg Stratton, J., dissents.

2003-2030. Hromyko v. Grange Mut. Cas. Co.

Cuyahoga App. No. 82741, 2003-Ohio-5391.

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

2003-2031. State v. Hamilton.

Guernsey App. No. 03CA8, 2003-Ohio-5366.

2003-2032. Am. Motorists Ins. Co. v. Intihar.

Cuyahoga App. No. 82335, 2003-Ohio-5075.

2003-2033. In re Conservatorship of Ahmed.

Belmont App. No. 03BE47.

2003-2040. Hampton v. Ahmed.

Belmont App. No. 03BE45.

2003-2041. Thorp v. Strigari.

Hamilton App. No. C-030193, 155 Ohio App.3d 245, 2003-Ohio-5954.
Moyer, C.J., dissents.

2003-2043. State v. Vincer.

Marion App. No. 9-02-56.

2003-2045. Ameriquest Mtge. Co. v. Williams.

Cuyahoga App. No. 83488.

2003-2047. State v. Barker.

Lucas App. No. L-01-1290, 2002-Ohio-2801, 2002-Ohio-5905 and 2003-Ohio-5417.

2003-2048. Viceroy v. Ohio Dept. of Rehab. & Corr.

Richland App. No. 2003CA0036, 2003-Ohio-5586.

2003-2050. State v. Nott.

Medina App. No. 03CA0117-M.
Moyer, C.J., and Lundberg Stratton, J., dissent.

2003-2051. Schwotzer v. Stone Container Corp.

Cuyahoga App. No. 82511, 2003-Ohio-4658.

2003-2054. State v. Agner.

Logan App. No. 80228, 2003-Ohio-5458.

2003-2055. Primus v. Ohio Dept. of Job & Family Serv.

Portage App. No. 2002-P-0120, 2003-Ohio-5704.

2003-2059. Toledo v. Kim's Auto & Truck Serv., Inc.

Lucas App. No. L-02-1318, 2003-Ohio-5604.
Pfeifer and O'Donnell, JJ., dissent.

2003-2060. State v. Curtis.

Ashtabula App. No. 2002-A-0025, 2003-Ohio-6085.

2003-2061. State ex rel. Coyne v. Cingle.

Cuyahoga App. No. 82279, 2003-Ohio-5383.

2003-2064. State v. Brown.

Montgomery App. No. 19776, 2003-Ohio-5738.

2003-2065. State v. Fulton.

Clermont App. No. CA2002-10-085, 2003-Ohio-5432.

2003-2066. State v. Lozada.

Cuyahoga App. No. 83463.

2003-2069. Rohr v. Wausau Business Ins. Co.

Licking App. No. 2003CA22, 2003-Ohio-5631.

Resnick and Pfeifer, JJ., dissent.

2003-2072. State v. Barclay.

Summit App. No. 21336, 2003-Ohio-5468.

2003-2076. State v. Edwards.

Cuyahoga App. No. 82327, 2003-Ohio-5503.

Pfeifer, J., dissents.

2003-2078. On Line Logistics, Inc. v. AmeriSource Corp.

Cuyahoga App. No. 82056, 2003-Ohio-5381.

2003-2084. State v. Butcher.

Ashtabula App. No. 2002-A-0059, 2003-Ohio-5537.

2003-2091. State v. Gauntt.

Cuyahoga App. No. 82755, 2003-Ohio-5494.

2003-2097. Peters v. Ohio Dept. of Natural Resources.

Franklin App. No. 03AP-350, 2003-Ohio-5895.

2003-2101. State v. Anderson.

Summit App. No. 21569, 2003-Ohio-5784.

O'Connor, J., not participating.

2003-2107. State v. Everitt.

Warren App. No. CA2002-07-070, 2003-Ohio-2554.

2003-2112. State v. Jones.
Summit App. No. 21748.

2003-2127. State v. Vaultx.
Hamilton App. No. C-020520.

2003-2128. State v. Beck.
Hamilton App. Nos. C-020432, C-020449, and C-030062, 2003-Ohio-5838.

RECONSIDERATION OF PRIOR DECISIONS

2002-0610. Geren v. Westfield Ins. Co.
Lucas App. No. L-01-1398, 2002-Ohio-1230. Reported at 100 Ohio St.3d 322, 2003-Ohio-6421, 799 N.E.2d 634. On motion for reconsideration. Motion denied.
F.E. Sweeney and Pfeifer, JJ., dissent.
Donald R. Ford, J., of the Eleventh Appellate District, sitting for Resnick, J.
J. Howard Sundermann, J., of the First Appellate District, sitting for Cook, J.

2002-1981. In re Estate of Worstell.
Montgomery App. No. 19133, 2002-Ohio-5385. Reported at 100 Ohio St.3d 1258, 2003-Ohio-6387, 799 N.E.2d 636. On motion for reconsideration. Motion denied.
Resnick and F.E. Sweeney, JJ., dissent.

2002-2141. Watkins v. MetroHealth Sys.
Cuyahoga App. No. 80567, 2002-Ohio-5961. Reported at 100 Ohio St.3d 1259, 2003-Ohio-6445, 799 N.E.2d 636. On motion for reconsideration. Motion denied.
Resnick, F.E. Sweeney and Pfeifer, JJ., dissent.

2003-0045. State v. Campbell.
Hamilton App. No. C-010727, 150 Ohio App.3d 90, 2002-Ohio-6064. Reported at 100 Ohio St.3d 361, 2003-Ohio-6804, 800 N.E.2d 356. On motion for reconsideration. Motion denied.

2003-0302 and 2003-0362. Taylor v. Kemper Ins. Co.
Cuyahoga App. No. 81360, 2003-Ohio-177. Reported at 100 Ohio St.3d 342, 2003-Ohio-6516, 800 N.E.2d 1. On motion for reconsideration. Motion denied.
Resnick, F.E. Sweeney and Pfeifer, JJ., dissent.
Mary DeGenaro, J., of the Seventh Appellate District, sitting for O'Donnell,
J.

2003-1109. Cincinnati Bar Assn. v. Statzer.

Reported at 101 Ohio St.3d 14, 2003-Ohio-6649, 800 N.E.2d 1117. On motion for reconsideration. Motion denied.

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

Lundberg Stratton, J., dissents, would grant the motion, and would order the Cincinnati Bar Association to break out costs.

2003-1299. State ex rel. Savage v. Caltrider.

Franklin App. No. 02AP-453. Reported at 100 Ohio St.3d 363, 2003-Ohio-6806, 800 N.E.2d 358. On motion for reconsideration. Motion denied.

2003-1478. State ex rel. Norris v. Giavasis.

Stark App. No. 2003CA00268. Reported at 100 Ohio St.3d 371, 2003-Ohio-6609, 800 N.E.2d 365. On motion for reconsideration. Motion denied.

2003-1497. Daugherty v. Safeco Ins. Co. of Illinois.

Ottawa App. No. OT-02-015, 2003-Ohio-3685 and 2003-Ohio-3984. Reported at 100 Ohio St.3d 320, 2003-Ohio-6217, 799 N.E.2d 160. On motion for reconsideration. Motion denied.

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

2003-1589. Douglass v. Salem Community Hosp.

Columbiana App. No. 2002CO07, 153 Ohio App.3d 350, 2003-Ohio-4006. Reported at 100 Ohio St.3d 1530, 2003-Ohio-6458, 800 N.E.2d 47. On motion for reconsideration. Motion denied.

Lundberg Stratton, J., dissents.

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

Cuyahoga App. No. 82226, 2003-Ohio-3964. Reported at 100 Ohio St.3d 1531, 2003-Ohio-6458, 800 N.E.2d 47. On motion for reconsideration. Motion denied.

Moyer, C.J., dissents.

2003-1717. State v. Class.

Tuscarawas App. No. 03AP020015, 2003-Ohio-4536. Reported at 100 Ohio St.3d 1544, 2003-Ohio-6879, 800 N.E.2d 750. On motion for reconsideration. Motion denied.

2003-1744. Wilson v. Haimerl, 2004-Ohio-736.

Madison App. No. CA2002-08-019, 2003-Ohio-4334. On motion for reconsideration. Motion denied.

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

Lundberg Stratton, J., concurs separately.

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

Hamilton App. No. C-030033, 2003-Ohio-4420. Reported at 100 Ohio St.3d 1532, 2003-Ohio-6458, 800 N.E.2d 48. On motion for reconsideration. Motion denied.

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

2003-1760. Huber Hts. ex rel. Slanker v. Huber Hts.

Montgomery App. No. 19767, 2003-Ohio-4427. Reported at 100 Ohio St.3d 1545, 2003-Ohio-6879, 800 N.E.2d 751. On motion for reconsideration. Motion denied.

2003-1782. State v. Nipper.

Butler App. No. CA2002-06-135, 2003-Ohio-4449. Reported at 100 Ohio St.3d 1545, 2003-Ohio-6879, 800 N.E.2d 751. On motion for reconsideration. Motion granted; discretionary appeal accepted; cause held for the decisions in 2003-1048 and 2003-1049, *State v. White*, Guernsey App. No. 02CA23, 2003-Ohio-2289; and 2003-0033, *State v. Colbert*, Cuyahoga App. No. 80361, 2002-Ohio-6315; and briefing schedule stayed.

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

2003-1812. Cherry v. Rumbaugh.

Columbiana App. No. 2002CO69, 2003-Ohio-4879. Reported at 100 Ohio St.3d 1546, 2003-Ohio-6879, 800 N.E.2d 751. On motion for reconsideration. Motion denied.

2003-1828. Castrataro v. Urban.

Franklin App. No. 03AP-128, 2003-Ohio-4705. Reported at 100 Ohio St.3d 1547, 2003-Ohio-6879, 800 N.E.2d 752. On motion for reconsideration. Motion denied.

2003-1861. Indiana Ins. Co. v. Farmers Ins. of Columbus, Inc., 2004-Ohio-735.

Tuscarawas App. No. 2002AP110089, 2003-Ohio-4855. On motion for reconsideration. Motion denied.

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

Lundberg Stratton, J., concurs separately.

2003-1869. Indiana Ins. Co. v. Farmers Ins. of Columbus, Inc., 2004-Ohio-735.

Tuscarawas App. No. 2002AP110090, 2003-Ohio-4851. On motion for reconsideration. Motion denied.

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

Lundberg Stratton, J., concurs separately.

2003-2027. Indiana Ins. Co. v. Farmers Ins. of Columbus, Inc., 2004-Ohio-735.

Tuscarawas App. No. 2002AP110089, 2003-Ohio-4855. On motion for reconsideration. Motion denied.

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

Lundberg Stratton, J., concurs separately.

O'Donnell, J., dissents.