

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

May 12, 2005

[Cite as *05/12/2005 Case Announcements*, 2005-Ohio-2311.]

MOTION AND PROCEDURAL RULINGS

2002-2032. State v. Brinkley.

Lucas C. P. No. CR00-2826. Upon consideration of the motion filed by counsel for appellant to stay the execution of sentence in the above-styled cause pending the timely filing of a petition for a writ of certiorari in the Supreme Court of the United States and pending the exhaustion of state post conviction remedies,

IT IS ORDERED by the court that said motion be, and hereby is, granted.

IT IS FURTHER ORDERED by the court that compliance with the mandate and execution of sentence be, and hereby are, stayed pending the timely filing of the petition in the Supreme Court of the United States.

IT IS FURTHER ORDERED that if such petition is timely filed, this stay shall continue for an indefinite period pending final disposition of this cause by the Supreme Court of the United States.

IT IS FURTHER ORDERED by the court that this stay shall remain in effect until exhaustion of all state post-conviction proceedings, including any appeals.

IT IS FURTHER ORDERED that counsel for the appellant and for the appellee shall notify this court upon a final disposition by the Supreme Court of the United States or when all proceedings for post-conviction relief before the courts of this state have been exhausted, whichever occurs later.

2005-0192. State v. Mundt.

Noble C. P. No. 2042002. This cause is pending as a death penalty appeal from the Court of Common Pleas for Noble County. Upon consideration of appellee's motion for an extension of time to transmit the record,

IT IS ORDERED by the court that the motion be, and hereby is, granted and the time for transmitting the record is extended to May 23, 2005.

2005-0501. Andrew Jergens Co. v. Wilkins.

Board of Tax Appeals, No. 2002-P-403. This cause is pending before this court as an appeal from the Board of Tax Appeals. Upon consideration of appellant's motion to consolidate this case with 2005-0502, *Andrew Jergens Co. v. Wilkins*,

IT IS ORDERED by the court that the motion to consolidate be, and hereby is, granted.

IT IS FURTHER ORDERED by the court that these cases are returned to the regular docket and that the stay of briefing is lifted.

IT IS FURTHER ORDERED by the court that the parties shall combine the briefing of case Nos. 2005-0501 and 2005-0502 and file one brief for each brief permitted under S.Ct.Prac.R. VI. The parties shall file an original of the brief in each case and 18 copies of the brief.

IT IS FURTHER ORDERED by the court that 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.

2005-0502. Andrew Jergens Co. v. Wilkins.

Board of Tax Appeals, No. 2002-P-614. This cause is pending before this court as an appeal from the Board of Tax Appeals. Upon consideration of appellant's motion to consolidate this case with 2005-0501, *Andrew Jergens Co. v. Wilkins*,

IT IS ORDERED by the court that the motion to consolidate be, and hereby is, granted.

IT IS FURTHER ORDERED by the court that these cases are returned to the regular docket and that the stay of briefing is lifted.

IT IS FURTHER ORDERED by the court that the parties shall combine the briefing of case Nos. 2005-0501 and 2005-0502 and file one brief for each brief permitted under S.Ct.Prac.R. VI. The parties shall file an original of the brief in each case and 18 copies of the brief.

IT IS FURTHER ORDERED by the court that 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.

MISCELLANEOUS DISMISSALS

2004-1860. Bernabei v. Cincinnati Ins. Cos.

Stark App. No. 2002CA00078, 2004-Ohio-4939. This cause is pending before the court as a discretionary appeal. Upon consideration of appellant's application for dismissal,

IT IS ORDERED by the court that the application for dismissal be, and hereby is, granted.

ACCORDINGLY, IT IS FURTHER ORDERED by the court that this cause be, and hereby is, dismissed.

2005-0197. Frick v. Frick.

Wood App. No. WD-03-075, 2004-Ohio-6898. This cause is pending before the court as a discretionary appeal and cross-appeal and claimed appeal of right. Upon consideration of the joint application for dismissal,

IT IS ORDERED by the court that the application for dismissal be, and hereby is, granted.

ACCORDINGLY, IT IS FURTHER ORDERED by the court that this cause be, and hereby is, dismissed.

2005-0708. Gonzalez v. Russo.

In Prohibition. This cause originated in this court on the filing of a complaint for a writ of prohibition. Upon consideration of the joint application for dismissal,

IT IS ORDERED by the court that the application for dismissal be, and hereby is, granted.

ACCORDINGLY, IT IS FURTHER ORDERED by the court that this cause be, and hereby is, dismissed.

MEDIATION REFERRALS

The following cases have been referred to mediation pursuant to S.Ct.Prac.R. XIV(6):

2005-0469. Rosedale v. Wilkins.

Board of Tax Appeals, No. 2003-M-2101.

2005-0733. State ex rel. Erieview Metal Treating Co. v. Indus. Comm.

Franklin App. No. 04AP-447, 2005-Ohio-1154.

2005-0777. State ex rel. Herfel v. Ryder Truck Lines, Inc.

Franklin App. No. 04AP-627, 2005-Ohio-1534.