

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

February 2, 2005

[Cite as *02/02/2005 Case Announcements*, 2005-Ohio-279.]

MERIT DECISIONS WITH OPINIONS

2004-0753. Pillo v. Stricklin, 2005-Ohio-184.

Stark App. No. 2003CA00212, 2004-Ohio-1570. Judgment affirmed.

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

Resnick and Pfeifer, JJ., dissent.

Lanzinger, J., not participating.

2004-1219 and 2004-1220. Shirley v. Republic-Franklin Ins. Co., 2005-Ohio-182.

Stark App. No. 2003CA00361. Judgment reversed and cause remanded.

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

Resnick and Pfeifer, JJ., dissent.

Lanzinger, J., not participating.

2004-1314. Pelc v. Hartford Fire Ins. Co., 2005-Ohio-183.

Stark App. No. 2004CA00017, 2004-Ohio-3438. Judgment affirmed.

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

Resnick and Pfeifer, JJ., dissent.

Lanzinger, J., not participating.

MERIT DECISIONS WITHOUT OPINIONS

2004-1987. State ex rel. Balvin v. Ohio Adult Parole Auth.

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

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

2004-1989. State ex rel. Adkins v. Travis.

In Procedendo. On answer of respondent. On S.Ct.Prac.R. X(5) determination, cause dismissed.

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

2004-2011. State ex rel. Booker v. Court of Appeals, Eighth Appellate District.

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

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

2004-2104. Anders v. Timmerman-Cooper.

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

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

2004-2126. Wenzlick v. Lazaroff.

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

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

Lanzinger, J., not participating.

MOTION AND PROCEDURAL RULINGS

2004-0304. Johnson v. Microsoft Corp.

Hamilton App. No. C-020564, 2004-Ohio-761. On motion for admission pro hac vice of David B. Tulchin and Richard C. Pepperman II by Gregory A. Harrison. Motion granted.

Pfeifer, J., not participating.

2004-2097. State v. Franklin.

Stark App. No. 2003CA00442, 2004-Ohio-5398. On motion for leave to file delayed appeal. Motion granted.

Resnick, O'Connor and Lanzinger, JJ., dissent.

2004-2117. State v. Inskip.

Champaign App. No. 2003 CA 22, 2004-Ohio-4927. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

2004-2119. State v. James.

Hamilton App. No. C-030695, 2004-Ohio-5727. On motion for leave to file delayed appeal. Motion granted.

Resnick and Lanzinger, JJ., dissent.

2004-2166. Stark Commons, Ltd. v. Stein Mart, Inc.

Stark App. No. 2004CA00029, 2004-Ohio-6969. On motion for stay of court of appeals' judgment. Motion granted.

Pfeifer and Lanzinger, JJ., dissent.

APPEALS ACCEPTED FOR REVIEW

2004-1738. Parsons v. Ohio Bur. of Workers' Comp.

Franklin App. No. 03AP-772, 2004-Ohio-4552.

O'Donnell and Lanzinger, JJ., dissent.

2004-1743. Gamble v. Norwood.

Hamilton App. No. C-040019, 2004-Ohio-4661. Discretionary appeal accepted.

Pfeifer and Lanzinger, JJ., dissent.

On motion for admission pro hac vice of Scott Bullock, Robert W. Gall, William H. Mellor, and Dana Berliner by Robert P. Malloy. Motion granted.

2004-1769. Oriana House, Inc. v. Montgomery.

Franklin App. No. 03AP-1178, 2004-Ohio-4788. Discretionary appeal accepted on Propositions of Law I and III.

Resnick, O'Connor and O'Donnell, JJ., dissent.

2004-1824. Marrone v. Phillip Morris, USA, Inc.

Medina App. No. 03CA0120-M, 2004-Ohio-4874. Discretionary appeal accepted on Proposition of Law I.

Pfeifer, J., dissents.

Resnick, J., not participating.

On motion for admission pro hac vice of Robert C. Heim, Ezra D. Rosenberg, Judy L. Leone, and Ronnie E. Fuchs by Irene C. Keyse-Walker and

motion for admission pro hac vice of Gerson H. Smoger by Russell Smith.
Motions granted.

Resnick, J., not participating.

APPEALS NOT ACCEPTED FOR REVIEW

2004-1661. Martynyszyn v. Budd.

Mahoning App. No. 03-MA-250, 2004-Ohio-4824.

Resnick and Lundberg Stratton, JJ., dissent.

2004-1663. State v. Helle.

Allen App. No. 1-04-18, 2004-Ohio-4398.

2004-1684. Jacobs v. Anderson.

Lorain App. No. 03CA008391, 2004-Ohio-4456.

2004-1698. Mtge. Electronic Registration Sys., Inc. v. Barclay.

Franklin App. No. 03AP-1198.

2004-1710. State v. Archie.

Lucas App. No. L-02-1225 and L-02-1262, 2004-Ohio-4844.

2004-1712. State v. Moore.

Greene App. No. 04CA68.

2004-1713. State v. Dunn.

Cuyahoga App. No. 83754, 2004-Ohio-4350.

Resnick, J., dissents.

2004-1719. State v. Quinn.

Darke App. No. 04CA1642.

2004-1721. State v. Nicholson.

Stark App. No. 2004CA00027, 2004-Ohio-4850.

2004-1729. Ohio Valley Orthopaedics & Sports Medicine, Inc. v. Bd. of Trustees of Sycamore Twp.

Hamilton App. No. C-030697, 2004-Ohio-4662.

Lundberg Stratton, J., dissents.

2004-1734. State v. Marcum.

Hocking App. No. 04CA13.

2004-1735. Sharonville v. Am. Emp. Ins. Co.

Hamilton App. No. C-030905, 2004-Ohio-4664.

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

2004-1736. Bank of New York v. Barclay.

Franklin App. No. 04AP-48, 2004-Ohio-4555.

2004-1741. State v. Secrest.

Wayne App. No. 04CA0023, 2004-Ohio-4585.

O'Donnell, J., dissents.

2004-1742. Birchfield v. Rubbermaid, Inc.

Wayne App. Nos. 03CA0069 and 04CA0006, 2004-Ohio-4573.

Resnick and Pfeifer, JJ., dissent.

2004-1745. Smith v. Fifth Third Bank.

Hamilton App. No. C-030746.

Resnick, J., not participating.

2004-1755. State v. Valicenti.

Lucas App. No. L-04-1232.

Resnick, J., dissents.

2004-1756. State v. Arrone.

Montgomery App. No. 20411, 2004-Ohio-4692.

2004-1757. State v. Valicenti.

Lucas App. No. L-04-1233.

2004-1764. Jones v. Bd. of Elections.

Cuyahoga App. No. 83470, 2004-Ohio-4750.

O'Connor, J., dissents.

2004-1772. Ohio Farm Bur. Fedn., Inc. v. Amos.

Ashland App. No. 04-COA-020, 2004-Ohio-4767. Discretionary appeal and cross-appeal not accepted.

2004-1775. State v. Taylor.

Cuyahoga App. No. 83551, 2004-Ohio-4468. Discretionary appeal and cross-appeal not accepted.

2004-1776. State v. Mann.

Crawford App. No. 3-03-42, 2004-Ohio-4703.

2004-1778. State v. Hicks.

Cuyahoga App. No. 82341, 2004-Ohio-4472.

2004-1779. State v. Wolf.

Cuyahoga App. No. 83673, 2004-Ohio-4500.

2004-1783. Franklin Cty. Pros. Atty. v. Spires.

Licking App. No. 04 CA 4, 2004-Ohio-4712.

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

2004-1784. State v. McCartney.

Clinton App. No. CA2003-09-023, 2004-Ohio-4781.

2004-1787. State v. Cearley.

Butler App. No. CA2003-08-213, 2004-Ohio-4837.

2004-1789. State v. Banks.

Cuyahoga App. Nos. 83782 and 83783, 2004-Ohio-4478.

Resnick, J., dissents and would accept the appeal on Proposition of Law IV.

2004-1790. State v. White.

Hamilton App. No. C-030806.

Lanzinger, J., dissents.

2004-1791. Federated Mgt. Co. v. Coopers & Lybrand.

Franklin App. No. 03AP-204, 2004-Ohio-4785 and 2004-Ohio-6977. Discretionary appeal not accepted.

Moyer, C.J., dissents and would accept the appeal on Proposition of Law I.

On motion for admission pro hac vice of Malcolm Loeb by Gerald L. Draper. Motion granted.

2004-1792. Cincinnati Ins. Co. v. Colelli & Assoc., Inc.

Wayne App. No. 04CA0008, 2004-Ohio-4726.

2004-1798. Bank One, N.A. v. Kafele.

Franklin App. No. 03AP-1183.

2004-1800. Hahn v. Jennings.

Franklin App. No. 04AP-24, 2004-Ohio-4789.

Lundberg Stratton, J., not participating.

2004-1801. State v. Hicks.

Cuyahoga App. No. 83981, 2004-Ohio-5223.

2004-1803. Morris v. Hothem Invest., Ltd.

Wayne App. No. 03CA0077, 2004-Ohio-4869.

Pfeifer, J., dissents.

2004-1813. Bernabei v. St. Paul Fire & Marine Ins. Co.

Stark App. No. 2003CA00346, 2004-Ohio-4901.

2004-1816. State v. Scott.

Cuyahoga App. No. 83477, 2004-Ohio-4631.

2004-1818. State v. Elersic.

Lake App. No. 2002-L-172, 2004-Ohio-5301.

2004-1819. Nobert v. Westfield Ins. Co.

Cuyahoga App. No. 83059, 2004-Ohio-4623. Discretionary appeal not accepted.
Motion to disqualify counsel dismissed as moot.

2004-1828. Houck v. Ridgecrest Memory Gardens, Inc.

Knox App. No. 03CA000040, 2004-Ohio-5001.

2004-1836. State v. Herring.

Mahoning App. No. 03 MA 12, 2004-Ohio-5357.

2004-1840. Haldeman v. Cross Ent., Inc.

Delaware App. No. 04-CAE-02011, 2004-Ohio-4997.

O'Donnell, J., dissents.

2004-1853. State v. Bozsik.

Medina App. No. 03CA0141-M, 2004-Ohio-4947.

2004-1857. State v. Scott.

Mahoning App. No. 02-CA-215, 2004-Ohio-5117.

2004-1865. Brannon v. Warren.

Trumbull App. No. 2003-T-0077, 2004-Ohio-5105.

2004-1866. State v. Kapsouris.

Mahoning App. No. 02 CA 230, 2004-Ohio-5119.

O'Connor, J., dissents and would accept on Proposition of Law II.

2004-1867. Rimedio v. Summacare, Inc.

Summit App. No. 21828, 2004-Ohio-4971.

Pfeifer, J., dissents.

2004-1870. Bunce v. Lorain.

Lorain App. No. 04CA008422, 2004-Ohio-4948.

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

2004-1873. C & E Coal, Inc. v. James Bros. Coal Co.

Carroll App. No. 04-CA-799, 2004-Ohio-5126.

2004-1881. State v. Vaughn.

Mahoning App. No. 03-MA-49, 2004-Ohio-5122.

2004-1891. State v. Prines.

Cuyahoga App. No. 85196.

Lundberg Stratton and Lanzinger, JJ., dissent.

2004-1934. State v. Newman.

Summit App. No. 21970, 2004-Ohio-5180.

2004-1937. State v. Hart.

Lucas App. No. L-03-1073, 2004-Ohio-5511.