The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

March 20, 2006

[Cite as *03/20/2006 Case Announcements*, 2006-Ohio-1249.]

MERIT DECISIONS WITH OPINIONS

2004-0738. Kish v. Akron, 2006-Ohio-1244.
On Order from the United States Court of Appeals for the Sixth Circuit Certifying a Question of State Law, Nos. 2002-3631 and 2002-3632. Certified question answered. See opinion.

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

2004-1877. State v. Saxon, 2006-Ohio-1245.
Cuyahoga App. No. 83889, 2004-Ohio-5017. Judgment reversed and cause remanded.

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

MERIT DECISIONS WITHOUT OPINIONS

2006-0291. State ex rel. Norfolk S. Ry. Co. v. Pub. Util. Comm.
In Mandamus and Prohibition. On relator's motion for stay of execution of the order issued by the Public Utilities Commission, respondent's motion to dismiss, the motion for leave to intervene of the city of Columbus, the motion to dismiss of the city of Columbus, the motion for leave to intervene of Nationwide Realty Investors Ltd., and relator's motion to strike respondent's motion to dismiss. Motion for stay of execution is denied. Motions for leave to intervene are granted. Motion to strike respondent's motion to dismiss is granted in part, and the evidence attached to respondent's motion to dismiss is stricken. Motions to dismiss are granted. Cause dismissed.

O'Donnell, J., would deny the motions to dismiss.

MOTION AND PROCEDURAL RULINGS

2005-1047. State v. Upshaw.
Clark App. No. 05CA35. This cause is pending before the court on the certification of a conflict by the Court of Appeals for Clark County. Upon consideration of appellee's motion for leave to be present at oral argument,
IT IS ORDERED by the court that the motion for leave is denied.

2005-1621. Ohio Consumers' Counsel v. Pub. Util. Comm.
Public Utilities Commission, No. 04-1931-EL-AAM. This cause is pending before the court as an appeal from the Public Utilities Commission of Ohio. Upon consideration of appellee's motion to dismiss,
IT IS ORDERED by the court that the motion is denied.
Resnick and O'Donnell, JJ., dissent.
IT IS FURTHER ORDERED, sua sponte, that this cause be consolidated with 2005-1679, *Ohio Consumers' Counsel v. Pub. Util. Comm.*, Public Utilities Commission, No. 04-1645-EL-AAM.

2005-1679. Ohio Consumers' Counsel v. Pub. Util. Comm.
Public Utilities Commission, No. 04-1645-EL-AAM. This cause is pending before the court as an appeal from the Public Utilities Commission of Ohio. Upon consideration of appellee's motion to dismiss,
IT IS ORDERED by the court that the motion is denied.
Resnick and O'Donnell, JJ., dissent.
IT IS FURTHER ORDERED, sua sponte, that this cause be consolidated with 2005-1621, *Ohio Consumers' Counsel v. Pub. Util. Comm.*, Public Utilities Commission, No. 04-1931-EL-AAM.

2006-0521. Norfolk S. Ry. Co. v. Pub. Util. Comm.
Public Utilities Commission, No. 05-297-RR-FED. This cause is pending before the court as an appeal from the Public Utilities Commission of Ohio. Upon consideration of appellant's emergency motion for stay of the order issued by the Public Utilities Commission of Ohio,
IT IS ORDERED by the court that the motion is denied.
O'Donnell, J., dissents.

MISCELLANEOUS DISMISSALS

2006-0364. State v. Smith.
Washington App. No. 05CA46, 2006-Ohio-705. This cause is pending before the court as a discretionary appeal and claimed appeal of right. Upon consideration of appellant's application for dismissal,

      IT IS ORDERED by the court that the application for dismissal is granted. Accordingly, this cause is dismissed.

MISCELLANEOUS ORDERS

2004-0817. Cleveland Bar Assn. v. CompManagement, Inc.
Board on the Unauthorized Practice of Law, No. UPL 02-04. This cause is pending before the court as an unauthorized practice of law case. Upon consideration of relator's motion for continuance of oral argument,

      IT IS ORDERED by the court that the motion for continuance is denied.