

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

February 8, 2006

[Cite as *02/08/2006 Case Announcements*, 2006-Ohio-421.]

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### MERIT DECISIONS WITH OPINIONS

**2004-0795. Wood v. Ohio State Hwy. Patrol, 2006-Ohio-245.**

Tuscarawas App. No. 2003 AP 09 0075, 156 Ohio App.3d 725, 2004-Ohio-1765. Judgment affirmed.

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

Resnick and Pfeifer, JJ., dissent.

**2004-1216. Fichtel & Sachs Industries, Inc. v. Wilkins, 2006-Ohio-246.**

Board of Tax Appeals, No. 2003-M-408. Decision affirmed in part and reversed in part, and cause remanded.

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

**2004-1454. State ex rel. Meris v. Indus. Comm., 2006-Ohio-247.**

Franklin App. No. 03AP-810, 2004-Ohio-3883. Judgment reversed.

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

Lanzinger, J., concurs in judgment only.

**2004-1854. Strongsville Bd. of Edn. v. Wilkins, 2006-Ohio-248.**

Board of Tax Appeals, No. 2002-G-2562. Decision affirmed.

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

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

**2005-0100. State ex rel. Sherry v. Indus. Comm., 2006-Ohio-249.**

Franklin App. No. 04AP-78, 2004-Ohio-7050. Judgment affirmed.

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

### **MERIT DECISIONS WITHOUT OPINIONS**

**2005-1865. State ex rel. Donley v. Kessler.**

In Prohibition. On motion to dismiss. Motion to dismiss granted. Cause dismissed.

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

Lundberg Stratton, J., dissents.

**2005-2239. State ex rel. McGee v. Court of Appeals, Eighth Appellate Dist.**

In Prohibition. On respondent's answer and motion for summary judgment and relator's motion for default judgment. 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.

**2005-2348. State ex rel. Perotti v. Court of Appeals, Seventh Appellate Dist.**

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

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

**2005-2404. State ex rel. Browning v. Fleegle.**

In Mandamus and 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.

### **MOTION AND PROCEDURAL RULINGS**

**2005-0767. Ohio Consumers' Counsel v. Pub. Util. Comm.**

Public Utilities Commission, No. 04-169-EL-UNC. On motion of Ohio Energy Group for leave to intervene as appellee. Motion denied.

Pfeifer, J., dissents.

On motion of Columbus Southern Power Company and Ohio Power Company for leave to intervene as appellees. Motion granted.

**2005-1683. First Baptist Church of Milford v. Wilkins.**

Board of Tax Appeals, No. 2004-M-143. On request for oral argument. Request granted.

**2005-2301. Fehrenbach v. O'Malley.**

Hamilton App. No. C-040128, 2005-Ohio-5554. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated in the court of appeals' Entry filed December 1, 2005:

"Whether the provisions of R.C. 2305.16, which toll a statute of limitations for a minor child's negligence claim, inure to the benefit of parents bringing derivative claims for loss of consortium and medical expenses by also tolling the statute of limitations for those claims."

Sua sponte, cause consolidated with 2005-2283, *Fehrenbach v. O'Malley*, Hamilton App. No. C-040128, 2005-Ohio-5554.

The conflict cases are *Butler v. Harper*, Summit App. No. 21051, 2002-Ohio-5029, *Seguin v. Gallo*, Cuyahoga App. No. 48803, 21 Ohio App.3d 163, 486 N.E.2d 1270, and *Zweigert v. Pasquale* (1988), Brown App. No. 87-11-015.

**2005-2361. State v. Hammond.**

Stark App. No. 2004CA00026, 2005-Ohio-225. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ. dissent.

**2005-2384. Gehm v. Timberline Post & Frame.**

Summit App. No. 22479, 2005-Ohio-5222. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated in the court of appeals' Journal Entry filed December 2, 2005:

"Whether the denial of a motion for leave to intervene on behalf of an insurer for purposes of participating in discovery and submitting jury interrogatories is a final appealable order pursuant to R.C. 2505.02."

Resnick and Pfeifer, JJ., dissent.

Sua sponte, cause consolidated with 2005-2137, *Gehm v. Timberline Post & Frame*, Summit App. No. 22479, 2005-Ohio-5222.

The conflict cases are *Lent v. Dampier* (Dec. 19, 1994), Stark App. No. 94 CA 0217, and *Tomcany v. Range Constr.*, Lake App. No. 2003-L-071, 2004-Ohio-5314.

**2005-2409. State v. Williams.**

Franklin App. No. 04AP-279, 2004-Ohio-6254. On motion for leave to file delayed appeal. Motion denied.

**2005-2421. State v. Gonzales.**

Defiance App. No. 4-05-03, 2005-Ohio-4912. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause consolidated with 2005-1983, *State v. Gonzales*, Defiance App. No. 4-05-03, 2005-Ohio-4912; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

**2006-0015. State v. Brooke.**

Lake App. No. 2004-L-088, 2005-Ohio-6161. On motion for stay of court of appeals' judgment. Motion granted.

Pfeifer, J., dissents.

**2006-0022. State v. Palmer.**

Portage App. No. 2004-P-0106, 2005-Ohio-6710. On motion for stay of court of appeals' judgment. Motion granted.

Pfeifer and O'Connor, JJ., dissent.

**APPEALS ACCEPTED FOR REVIEW**

**2005-1926. LeRoy v. Allen Yurasek & Merklin.**

Union App. No. 14-04-49, 162 Ohio App3d. 155, 2005-Ohio-4452. Discretionary appeal accepted. Motion to consolidated this cause with 2005-1593, *LeRoy v. Allen Yurasek & Merklin*, Union App. No. 14-04-49, 162 Ohio App.3d 155, 2005-Ohio-4452, is granted.

Pfeifer, J., dissents.

**2005-1952. State v. Perry.**

Trumbull App. No. 2004-T-0113, 2005-Ohio-4653. Discretionary appeal accepted; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

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

**2005-1959. State v. Clagg.**

Washington App. No. 04CA30, 2005-Ohio-4992. Discretionary appeal accepted; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

**2005-1964. Weinfeld v. Welling.**

Stark App. No. 2004CA00340, 2005-Ohio-4721. Discretionary appeal accepted on Proposition of Law No. I.

Resnick and Pfeifer, JJ., would also accept on all other Propositions of Law.  
Lundberg Stratton, O'Connor and O'Donnell, JJ., dissent.

**2005-1967. State v. Oliver.**

Cuyahoga App. No. 85606, 2005-Ohio-4411.

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

**2005-1970. State v. Harris.**

Marion App. No. 9-04-11, 2005-Ohio-4618. Discretionary appeal accepted on Proposition of Law No. II; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

**2005-1983. State v. Gonzales.**

Defiance App. No. 4-05-03, 2005-Ohio-4912. Discretionary appeal accepted; cause consolidated with 2005-2421, *State v. Gonzales*, Defiance App. No. 4-05-03, 2005-Ohio-4912; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

**2005-2010. State v. Evans.**

Cuyahoga App. No. 85583, 2005-Ohio-4584. Discretionary appeal accepted on Proposition of Law No. II; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

**2005-2011. State v. Hogan.**

Mahoning App. Nos. 03-MA-224 and 04-MA-3, 2005-Ohio-4889. Discretionary appeal accepted; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

Resnick and Pfeifer, JJ., dissent.

**2005-2059. State v. Rogers.**

Stark App. No. 2005CA00055, 2005-Ohio-4958. Discretionary appeal accepted on Proposition of Law No. III; cause held for the decisions in 2004-1771, *State v.*

*Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

O'Connor, J., would also accept the appeal on Proposition of Law No. IV.

Pfeifer, J., dissents.

**2005-2071. State v. Keller.**

Summit App. No. 22514, 2005-Ohio-5108. Discretionary appeal accepted on Proposition of Law No. III; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

**2005-2101. State v. Miller.**

Cuyahoga App. No. 85564, 2005-Ohio-4583. Discretionary appeal accepted on Proposition of Law Nos. II and III; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

**2005-2118. In re Adoption of Pushcar.**

Lake App. No. 2005-L-050, 2005-Ohio-5114.

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

**2005-2137. Gehm v. Timberline Post & Frame.**

Summit App. No. 22479, 2005-Ohio-5222. Discretionary appeal accepted on Proposition of Law No. I and cause consolidated with *Gehm v. Timberline Post & Frame*, Summit App. No. 22479, 2005-Ohio-5222.

Moyer, C.J., and Lundberg Stratton, J., would also accept the appeal on all other Propositions of Law.

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

**2005-2158. State v. Wilkins.**

Summit App. No. 22493, 163 Ohio App.3d 576, 2005-Ohio-5193. Discretionary appeal accepted; cause held for the decision in 2005-2336, *State v. Buehler*, Cuyahoga App. No. 85796, 2005-Ohio-5717; and briefing schedule stayed.

**2005-2283. Fehrenbach v. O'Malley.**

Hamilton App. No. C-040128, 2005-Ohio-5554. Discretionary appeal accepted on Proposition of Law No. III and cause consolidated with 2005-2301, *Fehrenbach v. O'Malley*, Hamilton App. No. C-040128, 2005-Ohio-5554.

Lundberg Stratton, J., would also accept the appeal on Proposition of Law No. II.

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

## **APPEALS NOT ACCEPTED FOR REVIEW**

### **2005-1604. State v. Calhoun.**

Hamilton App. Nos. C-030821 and C-030869.

Moyer, C.J., Resnick and Lundberg Stratton, JJ., dissent and would accept the discretionary appeal on Proposition of Law No. II and hold the cause for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209.

### **2005-1634. State v. Dunham.**

Scioto App. No. 04CA2931, 2005-Ohio-3642.

Moyer, C.J., dissents.

### **2005-1649. State v. Scott.**

Cuyahoga App. Nos. 84381, 84382, 84383, 84384 and 84389, 2005-Ohio-3690.

Lundberg Stratton, J., dissents and would accept the discretionary appeal and hold the cause for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209, 2004-1171, *State v. Mathias*, Cuyahoga App. No. 83311, 2004-Ohio-2982, and 2004-1267, *State v. Fair*, Cuyahoga App. No. 82278, 2004-Ohio-2971.

O'Connor, J., dissents and would accept the discretionary appeal on Proposition of Law No. II.

O'Donnell, J., dissents.

### **2005-1934. State v. Patterson.**

Mahoning App. No. 04 MA 210, 2005-Ohio-4689.

### **2005-1935. State v. Smith.**

Hamilton App. No. C-040512.

### **2005-1941. AVB Properties, LLC v. Chesler.**

Lorain App. No. 05CA008702.

### **2005-1943. State v. Fritz.**

Montgomery App. No. 20796, 163 Ohio App.3d 276, 2005-Ohio-4736.

**2005-1953. Coles v. Daniels.**

Cuyahoga App. No. 85573, 2005-Ohio-4701.

O'Connor, J., dissents and would accept the discretionary appeal on Proposition of Law No. II.

**2005-1954. State v. Stillman.**

Delaware App. No. 05CAA04024, 2005-Ohio-5380.

**2005-1956. State v. Atkinson.**

Cuyahoga App. No. 85773, 2005-Ohio-5348.

**2005-1958. State v. Lent.**

Washington App. No. 04CA38, 2005-Ohio-4757.

Lundberg Stratton, J., dissents.

**2005-1960. Lanfranc v. Lanfranc.**

Licking App. No. 05CA11, 2005-Ohio-4715.

**2005-1962. Stand Energy Corp. v. Ruyan.**

Hamilton App. No. C-050004, 2005-Ohio-4846.

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

**2005-1972. State v. Williams.**

Cuyahoga App. No. 85858, 2005-Ohio-4422.

Pfeifer and O'Connor, JJ., dissent and would accept the discretionary appeal on Proposition of Law No. II and hold the cause for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209.

**2005-1973. State v. Dissell.**

Cuyahoga App. No. 85072, 2005-Ohio-4395.

Moyer, C.J., and Lundberg Stratton, J., dissent and would accept the discretionary appeal on Proposition of Law No. V and hold the cause for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209.

**2005-1974. State v. McGrath.**

Cuyahoga App. No. 85046, 2005-Ohio-4420.

Lundberg Stratton, J., dissents.

**2005-1976. State v. Lyons.**

Trumbull App. No. 2004-T-0035, 2005-Ohio-4649.

**2005-1977. Cleveland v. Whitmore.**

Cuyahoga App. No. 84405, 2005-Ohio-4393.

**2005-1980. Nationsbanc Mtge. Corp. v. Davet.**

Cuyahoga App. No. 86862.

**2005-1981. State v. Morales.**

Licking App. No. 2004 CA 68, 2005-Ohio-4714.

Moyer, C.J., and Pfeifer, J., dissent and would accept the discretionary appeal on Proposition of Law No. III.

**2005-1982. State v. Smith.**

Washington App. No. 04CA47, 2005-Ohio-4910.

Resnick, Pfeifer and Lundberg Stratton, JJ., dissent and would accept the discretionary appeal on Proposition of Law No. II and hold the cause for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209.

**2005-1984. State v. Nicholson.**

Cuyahoga App. No. 85201, 2005-Ohio-4670.

**2005-1985. State v. Holmes.**

Butler App. No. CA2005-08-209.

Resnick and Pfeifer, JJ., dissent and would accept the discretionary appeal and hold the cause for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209.

**2005-1987. State v. Waire.**

Hamilton App. No. C-040782, 2005-Ohio-4853.

Moyer, C.J., dissents and would accept the discretionary appeal and hold the cause for the decision in 2005-2336, *State v. Buehler*, Cuyahoga App. No. 85796, 2005-Ohio-5717.

Pfeifer, J., dissents.

**2005-1988. State v. Kee.**

Delaware App. No. 04 CAC 09 064, 2005-Ohio-4707.

**2005-1991. Cottrill v. Wayne Mut. Ins. Co.**

Wayne App. No. 05CA0018, 2005-Ohio-4937.

Pfeifer, J., dissents.

**2005-1995. State v. Novel.**

Richland App. No. 05CA69.

**2005-1999. State v. Shoulders.**

Hancock App. No. 5-05-05, 2005-Ohio-4749.

**2005-2000. State v. Parker.**

Mahoning App. No. 03 MA 190, 2005-Ohio-4888.

Pfeifer, J., dissents.

**2005-2001. State v. Stevenson.**

Stark App. No. 2005-CA-00011, 2005-Ohio-5216.

**2005-2002. University Commons Assoc. Ltd. v. Commercial One Asset Mgt., Inc.**

Cuyahoga App. No. 85202, 2005-Ohio-4568.

Lundberg Stratton, J., dissents.

O'Connor and O'Donnell, JJ., not participating.

**2005-2003. State v. Moore.**

Cuyahoga App. No. 85451, 2005-Ohio-4699.

Moyer, C.J., dissents.

O'Connor, J., dissents and would accept the discretionary appeal on Proposition of Law No. I.

**2005-2005. McLeland v. First Energy.**

Summit App. No. 22582, 2005-Ohio-4940.

Resnick, J., dissents.

**2005-2009. State v. Norman.**

Franklin App. No. 04AP-1312, 2005-Ohio-5087.

**2005-2012. Burney v. A-Best Prod. Co.**

Cuyahoga App. No. 86762.

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

O'Connor, J., dissents and would accept the discretionary appeal on Proposition of Law Nos. I and II.

**2005-2013. Arnold v. Insul Co., Inc.**

Cuyahoga App. No. 86763.

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

O'Connor, J., dissents and would accept the discretionary appeal on Proposition of Law Nos. I and II.

**2005-2014. In re All Kelley & Ferraro Asbestos Cases v. A.W. Chesterton, Inc.**

Cuyahoga App. No. 86761.

Moyer, C.J., dissents and would accept the discretionary appeal on Proposition of Law Nos. II, III, and IV.

Lundberg Stratton, J., dissents.

O'Connor, J., dissents and would accept the discretionary appeal on Proposition of Law Nos. I and II.

**2005-2016. Reith v. McGill Smith Punshon, Inc.**

Hamilton App. No. C-040760, 2005-Ohio-4852.

**2005-2017. State v. Gibson.**

Washington App. No. 05CA20, 2005-Ohio-5353.

**2005-2018. State ex rel. Cincinnati Enquirer v. Allen.**

Hamilton App. No. C-040838, 2005-Ohio-4856.

Moyer, C.J., dissents.

O'Connor, J., dissents and would accept the discretionary appeal on Proposition of Law No. II.

Resnick, J., not participating.

**2005-2019. Wochna v. Kimbler.**

Medina App. No. 05CA0020-M, 163 Ohio App.3d 349, 2005-Ohio-4802.

**2005-2020. Westfield Ins. Co. v. Milwaukee Insurance Co.**

Butler App. No. CA2004-12-298, 2005-Ohio-4746.

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

**2005-2024. Am. Retirement Corp. v. Johnson.**  
Cuyahoga App. No. 86648.

**2005-2026. State v. McCain.**  
Pickaway App. No. 04CA27, 2005-Ohio-4952.

**2005-2027. State v. Roper.**  
Summit App. No. 22494, 2005-Ohio-4796.

**2005-2035. State v. Osborne.**  
Lake App. No. 2004-L-068, 2005-Ohio-4895.

**2005-2037. State v. DeMastry.**  
Fairfield App. No. 05CA14, 2005-Ohio-4962.

**2005-2038. State v. Gau.**  
Lake App. No. 2004-L-020, 2005-Ohio-4906.

**2005-2040. State v. Wagner.**  
Fairfield App. No. 05-CA-45, 2005-Ohio-5209.

**2005-2042. Stedman v. Hans.**  
Franklin App. No. 04AP-377, 2005-Ohio-4819.  
Pfeifer, J., dissents.

**2005-2048. State v. Ramos.**  
Cuyahoga App. No. 86907. Discretionary appeal not accepted. Appellant's motions for leave to waive more stringent standards than formal pleadings and to amend notice of appeal and memorandum in support of jurisdiction denied as moot.

**2005-2057. State v. Adams.**  
Warren App. No. CA2005-08-098.

**2005-2064. State v. Smith.**  
Portage App. No. 2004-P-0061, 2005-Ohio-4899.  
Pfeifer, J., dissents.

**2005-2069. State v. Morris.**  
Stark App. No. 2004CA00232, 2005-Ohio-4967.

Pfeifer, J., dissents.

**2005-2088. Gochenour v. Norcia.**

Erie App. No. E-05-021, 2005-Ohio-5026.

**2005-2096. State v. Adams.**

Licking App. No. 2005-CA-0024, 2005-Ohio-5211.

**2005-2103. State v. Tiedjen.**

Cuyahoga App. No. 85674, 2005-Ohio-4989.

Lundberg Stratton, J., dissents and would accept the discretionary appeal on Proposition of Law Nos. II and III.

**2005-2111. Bohanan v. Farmers Ins. of Columbus, Inc.**

Delaware App. No. 05-CAE-02010, 2005-Ohio-5399.

O'Donnell, J., not participating.

**2005-2140. State v. Foster.**

Portage App. No. 2004-P-0104, 2005-Ohio-5281.

**2005-2155. State v. Banks.**

Ashtabula App. No. 2003-A-0118, 2005-Ohio-5286.

Resnick, J., dissents and would accept the discretionary appeal on Proposition of Law No. IV and hold the cause for the decision in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209.

**2005-2167. State v. Carrico.**

Stark App. No. 2005CA00228.

**2005-2168. State v. Ridenour.**

Montgomery App. No. 20538, 2005-Ohio-5238.

**2005-2183. State v. Everitt.**

Warren App. Nos. CA2005-04-052 and CA2005-04-053.

**2005-2287. State v. Ward.**

Hamilton App. No. C-040379, 2005-Ohio-3036.

**2005-2292. State v. Hornack.**

Cuyahoga App. No. 81021, 2003-Ohio-426 and 2005-Ohio-5843.

**2005-2416. In re Adoption of Hoffbauer.**

Hamilton App. No. C-040859.

**2005-2425. In re Jones-Dentigance.**

Portage App. No. 2005-P-0058, 2005-Ohio-5960.

Pfeifer, J., dissents.

**RECONSIDERATION OF PRIOR DECISIONS**

**2004-0695. Akron v. Williams.**

Summit App. No. 21306, 2003-Ohio-7197. Reported at 107 Ohio St.3d 203, 2005-Ohio-6268, 837 N.E.2d 1169. On motion for reconsideration. Motion denied.

Resnick and Pfeifer, JJ., dissent.

**2004-2081. State ex rel. Segedy v. Arts Residential Roofing.**

Franklin App. No. 03AP-1235, 2004-Ohio-5945. Reported at 107 Ohio St.3d 256, 2005-Ohio-6429, 838 N.E.2d 653. On motion for reconsideration. Motion denied.

**2005-1176. Tobias, Kraus & Torchia v. Schlagel.**

Hamilton App. No. C-040644. Reported at 107 Ohio St.3d 1682, 2005-Ohio-6480, 839 N.E.2d 402. On motion for reconsideration. Motion denied.

**2005-1260. State v. Leach.**

Cuyahoga App. No. 84794, 2005-Ohio-1870. Reported at 107 Ohio St.3d 1682, 2005-Ohio-6480, 839 N.E.2d 403. On motion for reconsideration. Motion denied.

**2005-1652. In re Guardianship of Schneider.**

Medina App. No. 05CA0050-M. Reported at 107 Ohio St.3d 1684, 2005-Ohio-6480, 839 N.E.2d 404. On motions for reconsideration, stay, appointment of counsel, and relief pursuant to S.Ct.Prac.R. XIV(4). Motion for reconsideration denied. All other motions denied as moot.

**2005-1741. State v. Griffin.**

Allen App. No. 1-03-31, 2004-Ohio-287. Reported at 107 Ohio St.3d 1684, 2005-Ohio-6480, 839 N.E.2d 404. On motion for reconsideration. Motion denied.