

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

March 28, 2007

[Cite as *03/28/2007 Case Announcements*, 2007-Ohio-1266.]

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## MERIT DECISIONS WITH OPINIONS

### **2005-2093. O’Nesti v. DeBartolo Realty Corp., 2007-Ohio-1102.**

Mahoning App. No. 04-MA-170, 163 Ohio App.3d 609, 2005-Ohio-5056. Judgment reversed and cause remanded.

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

Pfeifer, J. concurs separately.

Stephen R. Shaw, J., of the Third Appellate District, was assigned to sit for Resnick, J., whose term ended on January 1, 2007.

Cupp, J., whose term began on January 2, 2007, did not participate in the consideration or decision of this case.

### **2005-2149. Blue Ash v. Kavanagh, 2007-Ohio-1103.**

Hamilton App. No. C-040767. Judgment reversed and cause remanded.

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

O'Donnell and Lanzinger, JJ., would dismiss the appeal as having been improvidently accepted.

Pfeifer, J., dissents.

Donna J. Carr, J., of the Ninth Appellate District, was assigned to sit for Resnick, J., whose term ended on January 1, 2007.

Cupp, J., whose term began on January 2, 2007, did not participate in the consideration or decision of this case.

### **2006-0503. In re C.F., 2007-Ohio-1104.**

Cuyahoga App. No. 85716, 2006-Ohio-88. Judgment reversed.

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

Pfeifer, J., dissents.

H.J. Bressler, J., of the Twelfth Appellate District, was assigned to sit for Resnick, J., whose term ended on January 1, 2007.

Cupp, J., whose term began on January 2, 2007, did not participate in the consideration or decision of this case.

**2006-0514. In re D.A., 2007-Ohio-1105.**

Tuscarawas App. Nos. 2005AP06-0044 and 2005AP07-0049, 2006-Ohio-431. Judgment reversed.

Donofrio, Pfeifer, Lundberg Stratton, O'Donnell and Lanzinger, JJ., concur.

Moyer, C.J., and O'Connor, J., concur in part and dissent in part.

Gene Donofrio, J., of the Seventh Appellate District, was assigned to sit for Resnick, J., whose term ended on January 1, 2007.

Cupp, J., whose term began on January 2, 2007, did not participate in the consideration or decision of this case.

**2006-0539. Herbert v. Porter, 2007-Ohio-1106.**

Seneca App. No. 13-05-15, 165 Ohio App.3d. 217, 2006-Ohio-355. Sua sponte, cause dismissed as having been improvidently accepted.

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

Thomas J. Grady, J., of the Second Appellate District, sitting for Cupp, J.

## **MERIT DECISIONS WITHOUT OPINIONS**

**2007-0050. State ex rel. E. Ohio Gas Co. v. Russo.**

In Mandamus. On motions to dismiss. Motions to dismiss granted. Cause dismissed.

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

O'Connor, J., not participating.

**2007-0082. State ex rel. Johnson v. State.**

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

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

**2007-0105. State ex rel. Summers v. Wright.**

In Mandamus. On motions to dismiss. Motions to dismiss granted. Cause dismissed.

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

**2007-0141. State ex rel. Smith v. Ringland.**

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

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

**2007-0205. Cotten v. Farmer.**

On petition for a writ to correct judicial misconduct and motion to dismiss. Motion to dismiss granted. Cause dismissed.

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

**MOTION AND PROCEDURAL RULINGS**

**1991-0963. State v. Carter.**

Hamilton App. No. C-890513. On motion to set execution date. Motion granted. It is ordered that appellant's sentence be carried into execution by the Warden of the Southern Ohio Correctional Facility or, in his absence, by the Deputy Warden on Tuesday, July 10, 2007, in accordance with the statutes so provided.

It is further ordered that a certified copy of this entry and a warrant under the seal of this court be duly certified to the Warden of the Southern Ohio Correctional Facility and that said Warden shall make due return thereof to the Clerk of the Court of Common Pleas of Hamilton County.

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

Franklin App. No. 97AP-860. On seventh notice of Seaway Food Town, Inc., of failure of appellant Gregory T. Howard to pay sanctions and appellant's motion for leave to file response to seventh notice of failure of payment. Motion for leave to file response denied. Appellee shall inform the court within 20 days of the collection actions appellee has taken pursuant to the court's order of January 5, 2007.

Cupp, J., not participating.

**2007-0112. Turner v. Ohio Bell Tel. Co.**

Cuyahoga App. No. 87541, 2006-Ohio-6168. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issues stated at page 2 of the court of appeals' Journal Entry filed January 12, 2007:

"1. Whether a utility pole that is located off the improved portion of the roadway, but in close proximity to the improved portion thereof and within the right-of-way, may constitute an obstruction dangerous to anyone properly using the highway.

"2. Whether a utility company may be held liable in negligence to motorists who strike a utility pole located in close proximity to the improved portion of a roadway and within the right-of-way when it presents a foreseeable and unreasonable risk of harm to users of the roadway."

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

The conflict cases are *Jocek v. GTE N., Inc.* (Sept. 27, 1995), Summit App. No. 17097; *Neiderbrach v. Dayton Power & Light Co.* (1994), 94 Ohio App.3d 334; *Ferguson v. Cincinnati Gas & Electric Co.* (1990), 69 Ohio App.3d 460; and *Crank v. Ohio Postal Telegraph-Cable Co. v. Yant* (1940), 64 Ohio App. 189.

Sua sponte, cause consolidated with 2007-0035, *Turner v. Ohio Bell Tel. Co.*, Cuyahoga App. No. 87541, 2006-Ohio-6168.

**2007-0193. State v. Thompson.**

Jefferson App. No. 06 JE 46. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**2007-0207. State v. Brooks.**

Franklin App. No. 06AP-74, 2006-Ohio-5784. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**2007-0208. State v. King.**

Muskingum App. No. CT06-0020, 2006-Ohio-6566. On motion for leave to file delayed appeal. Motion granted.

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

**2007-0212. State v. Powers.**

Franklin App. No. 05AP-780, 2006-Ohio-4458. On motion for leave to file delayed appeal. Motion denied.

**2007-0232. State v. Carter.**

Stark App. No. 2005 CA 00262, 2006-Ohio-6394. On motion for leave to file delayed appeal. Motion denied.

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

**2007-0237. State v. Dycus.**

Franklin App. No. 04AP-751, 2005-Ohio-3990. On motion for leave to file delayed appeal. Motion denied.

**2007-0277. State v. Hanning.**

Muskingum App. No. CT06-0068. On motion for leave to file delayed appeal. Motion granted.

Lundberg Stratton, J., dissents.

**2007-0279. State v. Marcum.**

Columbiana App. No. 04 CO 66, 2006-Ohio-7068. On motion for stay of court of appeals' judgment. Motion denied.

**2007-0289. State v. Jackson.**

Hamilton App. No. C-060510. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and O'Donnell, JJ., dissent.

**2007-0301. State v. Hutchen.**

Hancock App. No. 5-06-29, 2006-Ohio-6850. On motion for leave to file delayed appeal. Motion granted.

O'Connor, J., dissents.

**APPEALS ACCEPTED FOR REVIEW**

**2006-2333. State v. Humphrey.**

Franklin App. No. 05AP-1274, 2006-Ohio-5869. Discretionary appeal accepted; cause held for the decision in 2005-2186, *State v. Wilson*, Cuyahoga App. No. 85015, 2005-Ohio-4994; and briefing schedule stayed.

Pfeifer and Lanzinger, JJ., dissent.

**2006-2343. In re Sangrik Trust.**

Cuyahoga App. No. 87273, 2006-Ohio-5579.

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

**2006-2357. Alcorn v. Franciscan Hosp. Mt. Airy Campus.**

Hamilton App. No. C-060061, 2006-Ohio-5896.

O'Connor, J., would accept the appeal on Proposition of Law No. III only.  
Pfeifer and O'Donnell, JJ., dissent.

**2007-0035. Turner v. Ohio Bell Tel. Co.**

Cuyahoga App. No. 87541, 2006-Ohio-6168. Discretionary appeals of South Central Power Company and Ohio Bell Telephone Company accepted, and cause consolidated with 2007-0112, *Turner v. Ohio Bell Tel. Co.*, Cuyahoga App. No. 87541, 2006-Ohio-6168.

Pfeifer and O'Donnell, JJ., dissent.

**2007-0052. State v. Simpkins.**

Cuyahoga App. No. 87692, 2006-Ohio-6028.

Pfeifer and O'Connor, JJ., dissent.

**2007-0078. State v. Peeks.**

Franklin App. No. 05AP-1370, 2006-Ohio-6256. Discretionary appeal accepted; cause held for the decision in 2006-1245 and 2006-1383, *State v. Payne*, Franklin App. No. 05AP-517, 2006-Ohio-2552; and briefing schedule stayed.

Pfeifer, J., dissents.

**APPEALS NOT ACCEPTED FOR REVIEW**

**2006-1989. State v. Herron.**

Montgomery App. No. 21398, 2006-Ohio-4400.

**2006-2249. State v. Lyles.**

Allen App. No. 1-06-55, 2006-Ohio-6198.

Cupp, J., not participating.

**2006-2252. State v. Watkins.**

Allen App. No. 1-06-54, 2006-Ohio-6199.

Cupp, J., not participating.

**2006-2256. In re T.G.**

Butler App. Nos. CA2005-10-444 and CA2005-12-521, 2006-Ohio-5504.

**2006-2266. State v. Love.**

Hamilton App. Nos. C-050131 and C-050132, 2006-Ohio-6158. Discretionary appeal and cross-appeal not accepted. Appellee/cross-appellant's motion to strike

first proposition of law from appellant/cross-appellee's memorandum in support of jurisdiction denied as moot.

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

**2006-2272. Logue v. Leis.**

Hamilton App. No. C-050894, 2006-Ohio-5597.

Lanzinger, J., dissents.

**2006-2274. Harbor N., Inc. v. Great Am. Ins. Cos.**

Erie App. No. E-06-024, 2006-Ohio-5623.

**2006-2276. State v. Willis.**

Greene App. No. 2005-CA-116, 2006-Ohio-5754.

**2006-2278. State v. Scuba.**

Geauga App. No. 2006-G-2713, 2006-Ohio-6203.

**2006-2281. State v. Caringi.**

Cuyahoga App. No. 87005, 2006-Ohio-5937.

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

**2006-2284. In re C.S.**

Cuyahoga App. No. 87509, 2006-Ohio-4773.

**2006-2285. Rockett v. Newark Builders Supply, Inc.**

Licking App. No. 05CA132, 2006-Ohio-5715.

Cupp, J., dissents and would accept the appeal on Proposition of Law No. II.

**2006-2288. State v. Gaven.**

Franklin App. No. 06AP-173, 2006-Ohio-5692.

**2006-2292. State v. Ray.**

Union App. No. 14-05-39, 2006-Ohio-5640.

Cupp, J., not participating.

**2006-2295. State v. Locklear.**

Franklin App. No. 06AP-259, 2006-Ohio-5949.

**2006-2296. Bridge v. Park Natl. Bank.**

Franklin App. No. 06AP-118, 2006-Ohio-5691.

**2006-2301. Estate of Harrold v. Collier.**

Wayne App. No. 06CA0010, 2006-Ohio-5634.

Lundberg Stratton, J., dissents.

**2006-2302. Bikkani v. Lee.**

Cuyahoga App. No. 88650. Discretionary appeal not accepted. Motion to remove Matthew T. Fitzsimmons as a personally named defendant-appellee is granted.

**2006-2310. State v. Carver.**

Montgomery App. No. 21328, 2006-Ohio-5798.

**2006-2312. State v. Sims.**

Hamilton App. No. C-060210, 2006-Ohio-6285.

Moyer, C.J., and Lundberg Stratton, J., dissent and would accept the appeal on Proposition of Law Nos. I and II.

**2006-2313. State v. Oden.**

Hamilton App. No. C-050675.

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

**2006-2314. State v. Johnson.**

Franklin App. No. 06AP-860.

**2006-2315. State v. Mason.**

Ashland App. No. 2006-COA-18, 2006-Ohio-6388. Discretionary appeal not accepted. Motion to strike memorandum in support of jurisdiction is denied as moot.

**2006-2316. State v. Muncey.**

Madison App. No. CA2006-06-023, 2006-Ohio-6358.

**2006-2324. Patitucci v. McNeal Schick Archibald & Biro.**

Cuyahoga App. No. 87576, 2006-Ohio-5727.

Pfeifer, J., dissents.

**2006-2325. State v. Finney.**

Fulton App. No. F-06-009, 2006-Ohio-5770.



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

O'Donnell, J., dissents and would accept the appeal and hold the cause for the decision in 2006-0015, *State v. Brooke*, Lake App. No. 2004-L-088, 2005-Ohio-6161.

**2006-2326. State v. Meadows.**

Fairfield App. No. 05 CA 00104, 2006-Ohio-5887.

**2006-2328. Matthews v. D'Amore.**

Franklin App. No. 05AP-1318, 2006-Ohio-5745.

**2006-2337. Am. Tele-Legal Information Servs., Ltd. v. Lucas Cty. Bd. of Revision.**

Lucas App. No. L-06-1109, 2006-Ohio-5911.

**2006-2338. Phillips v. Andy Buick, Inc.**

Lake App. No. 2004-L-093, 2006-Ohio-5832.

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

**2006-2342. McClanahan v. Ohio Pub. Emp. Retirement Sys.**

Franklin App. No. 05AP-1080, 2006-Ohio-5867.

**2006-2344. State v. Travis.**

Scioto App. No. 06CA3098.

**2006-2345. State v. Thomas.**

Cuyahoga App. No. 87306, 2006-Ohio-5591.

**2006-2346. State v. Apple-Wright.**

Lorain App. No. 06CA008865, 2006-Ohio-5805.

**2006-2347. Cleveland v. Callahan.**

Cuyahoga App. No. 87497, 2006-Ohio-5565.

**2006-2348. Cliff v. Loudenslager.**

Clermont App. No. CA2006-01-002, 2006-Ohio-5844.

**2006-2349. In re Estate of Jurkoshek.**

Summit App. No. 23150, 2006-Ohio-5881.

O'Connor, J., not participating.

**2006-2350. State v. Hawkins.**

Hamilton App. No. C-060114, 2006-Ohio-6044.

Lundberg Stratton, J., dissents and would accept the appeal and hold the cause for the decision in 2006-0657, *State v. Consilio*, Summit App. No. 22761, 2006-Ohio-649.

**2006-2353. State v. Johnson.**

Montgomery App. No. 21639, 2006-Ohio-6227.

**2006-2354. State v. Hall.**

Montgomery App. No. 21449, 2006-Ohio-6116.

**2006-2355. State v. Hoffman.**

Miami App. No. 2006 CA 19, 2006-Ohio-6119.

**2006-2365. State v. Little.**

Butler App. No. CA2006-10-264.

**2006-2366. Ockunzzi v. Ockunzzi.**

Cuyahoga App. No. 86785, 2006-Ohio-5741.

**2006-2367. State v. Taylor.**

Franklin App. No. 05AP-1016, 2006-Ohio-5866.

Pfeifer, J., dissents.

**2006-2369. State v. Watson.**

Lucas App. No. L-05-1243, 2006-Ohio-6052.

**2006-2370. Chehi v. Keifer.**

Williams App. No. WM-05-014, 2006-Ohio-5904.

**2006-2371. Weatherspoon v. Kuhlman.**

Ottawa App. No. OT-05-057, 2006-Ohio-5903.

Lanzinger, J., dissents.

**2006-2373. Wells v. Michael.**

Franklin App. No. 05AP-1353, 2006-Ohio-5871.

Pfeifer and O'Connor, JJ., dissent.

**2006-2375. Johnson v. Johnson.**

Guernsey App. No. 05-CA-49, 2006-Ohio-5901.

Pfeifer and Lanzinger, JJ., dissent.

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

**2006-2377. Gresser v. Progressive Ins.**

Medina App. No. 06CA0030-M, 2006-Ohio-5956.

**2006-2383. State v. Bailey.**

Stark App. No. 2005CA00296, 2006-Ohio-5996.

**2006-2387. Cooper Farms, Inc. v. Brown & Brown of Ohio, Inc.**

Van Wert App. No. 15-06-02, 2006-Ohio-5982. Discretionary appeal not accepted.

Pfeifer, J., dissents.

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

On motion for admission pro hac vice of Richard A. Buchanan, Andrew C. Jacobson, and K. Clark Shriley by Kevin H. Taylor. Motion granted.

**2006-2388. Cooper Farms, Inc. v. Brown & Brown of Ohio, Inc.**

Van Wert App. No. 15-06-02, 2006-Ohio-5982. Discretionary appeal not accepted.

Pfeifer, J., dissents.

On motion for admission pro hac vice of Michael E. Brown and Mark D. Gerth by Todd M. Zimmerman, motion for admission pro hac vice of Richard A. Buchanan, Andrew C. Jacobson, and K. Clark Shriley by Kevin H. Taylor, and motion for admission pro hac vice of Peter E. Kanaris, David E. Heiss and Jonathan S. Weber by Laura J. Avery. Motions granted.

**2006-2392. State v. McKenzie.**

Cuyahoga App. No. 87610, 2006-Ohio-5725.

**2006-2403. State v. McGraw.**

Montgomery App. No. 21610, 2006-Ohio-6228.

**2007-0006. State v. Clark.**

Summit App. No. 23142, 2006-Ohio-6006.

**2007-0011. Curtis v. Gulley.**

Fayette App. No. CA2006-03-013, 2006-Ohio-6081.

**2007-0014. Batchelder v. Young.**

Trumbull App. No. 2005-T-0150, 2006-Ohio-6097.

O'Donnell, J., dissents and would accept the appeal on Proposition of Law No. V.

**2007-0016. State v. Delgado.**

Cuyahoga App. No. 87614, 2006-Ohio-5928.

**2007-0017. State v. Craddock.**

Cuyahoga App. No. 87582, 2006-Ohio-5915.

O'Connor, J., dissents and would accept the appeal on Proposition of Law Nos. I and II and hold the cause for the decision in 2006-1973, *State v. Sarkozy*, Cuyahoga App. No. 86952, 2006-Ohio-3977.

**2007-0021. State v. Garrison.**

Franklin App. No. 05AP-603, 2006-Ohio-6142.

**2007-0027. State v. Nash.**

Cuyahoga App. No. 87635, 2006-Ohio-5925.

**2007-0029. State v. Russell.**

Franklin App. No. 06AP-498, 2006-Ohio-6221.

**2007-0032. State v. Grimes.**

Washington App. No. 06CA17, 2006-Ohio-6360.

Cupp, J., not participating.

**2007-0039. State v. Smith.**

Cuyahoga App. Nos. 87255 and 87366, 2006-Ohio-6268.

**2007-0043. State v. Brown.**

Summit App. No. 22770, 2006-Ohio-1905.

**2007-0046. State v. Jones.**

Hamilton App. No. C-050905.

**2007-0048. Harbison v. Conover.**

Hardin App. No. 6-06-03, 2006-Ohio-6196.  
Cupp, J., not participating.

**2007-0049. State v. Tenbrook.**  
Cuyahoga App. No. 87675, 2006-Ohio-6026.

**2007-0055. State v. Jones.**  
Franklin App. Nos. 06AP-354 and 06AP-355, 2006-Ohio-6654.

**2007-0057. State v. Marshall.**  
Cuyahoga App. No. 87334, 2006-Ohio-6271.

**2007-0071. State v. Alexander.**  
Franklin App. No. 06AP-501, 2006-Ohio-6375.

**2007-0127. State v. Bates.**  
Hamilton App. No. C-050973.  
Lanzinger and Cupp, JJ., dissent.

**2007-0260. In re A.D.**  
Cuyahoga App. No. 87510, 2006-Ohio-6036.

## **RECONSIDERATION OF PRIOR DECISIONS**

**2006-0184. Caldwell v. Petersburg Stone Co.**  
Mahoning App. No. 05 MA 12, 2005-Ohio-6793. Reported at 112 Ohio St.3d 1212, 2007-Ohio-0150, 860 N.E.2d 107. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

Charles R. Petree, J., of the Tenth Appellate District, sitting for Cupp, J.

**2006-1874. Dressler v. DaimlerChrysler Corp.**  
Richland App. No. 2005CA0115, 2006-Ohio-4448. Reported at 112 Ohio St.3d 1444, 2007-Ohio-152, 860 N.E.2d 767. On motion for reconsideration. Motion denied.

**2006-1893. Peterman v. Stewart.**  
Delaware App. No. 05-CAE-12-0084, 2006-Ohio-4671. On motion for reconsideration. Motion denied.

**2006-1894. Peterman v. Stewart.**

Delaware App. No. 05-CAE-12-0082, 2006-Ohio-4671. Reported at 112 Ohio St.3d 1444, 2007-Ohio-152, 860 N.E.2d 768. On motion for reconsideration. Motion denied. Motion to remand denied.

**2006-1903. Toledo v. Beatty.**

Lucas App. No. L-05-1319, 2006-Ohio-4638. Reported at 112 Ohio St.3d 1445, 2007-Ohio-152, 860 N.E.2d 768. On motion for reconsideration. Motion denied.

Lundberg Stratton and Lanzinger, JJ., dissent.

**2006-1910. Lutz v. Balch.**

Franklin App. No. 06AP-247, 2006-Ohio-4630. Reported at 112 Ohio St.3d 1445, 2007-Ohio-152, 860 N.E.2d 768. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

**2006-1918. State v. Brooks.**

Cuyahoga App. No. 88415. Reported at 112 Ohio St.3d 1445, 2007-Ohio-152, 860 N.E.2d 768. On motion for reconsideration. Motion denied.

**2006-2011. Estate of Heintzelman v. Air Experts, Inc.**

Delaware App. No. 2005-CAPE-08-0054, 2006-Ohio-4832. Reported at 112 Ohio St.3d 1471, 2007-Ohio-388, 861 N.E.2d 145. On motion for reconsideration. Motion denied.

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

**2006-2019. State v. Ayers.**

Erie App. No. E-05-079, 2006-Ohio-5108. Reported at 112 Ohio St.3d 1471, 2007-Ohio-388, 861 N.E.2d 145. On amended motion for consideration. Motion denied.

**2006-2192. State ex rel. Griffin v. Jones Wenner Ins. Agency, Inc.**

In Mandamus. Reported at 112 Ohio St.3d 1467, 2007-Ohio-388, 861 N.E.2d 142. On motion for reconsideration. Motion denied. Motion for money denied.