

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

May 19, 2008

[Cite as *05/19/2008 Case Announcements*, 2008-Ohio-2388.]

SLIP OPINIONS REPLACED BY OHIO OFFICIAL REPORTS VERSIONS AS OF MAY 19, 2008

The official versions of the opinions listed below, which were previously released as slip opinions, have been published in the May 19, 2008 Ohio Official Reports advance sheet. These opinions should now be cited using the Ohio Official Reports citation format.

2006-1594. Indus. Energy Users-Ohio v. Pub. Util. Comm., 117 Ohio St.3d 486, 2008-Ohio-990.

2006-1808. Talik v. Fed. Marine Terminals, Inc., 117 Ohio St.3d 496, 2008-Ohio-937.

2006-2095. McKinley v. Ohio Bur. of Workers' Comp., 117 Ohio St.3d 538, 2008-Ohio-1736.

2006-2220 and 2006-2311. Nasal v. Dover, 117 Ohio St.3d 531, 2008-Ohio-1592.

2007-0195. Cummins Property Servs., L.L.C. v. Franklin Cty. Bd. of Revision, 117 Ohio St.3d 516, 2008-Ohio-1473.

2007-0414. LeBeau v. Perry Videx, L.L.C., 117 Ohio St.3d 538, 2008-Ohio-1737.

2007-0615. Rhodes v. Hamilton Cty. Bd. of Revision, 117 Ohio St.3d 532, 2008-Ohio-1595.

2007-0637 and 2007-0639. State v. Mutter, 117 Ohio St.3d 536, 2008-Ohio-1591.

2007-0642. State ex rel. Sears Roebuck & Co. v. Indus. Comm., 117 Ohio St.3d 539, 2008-Ohio-1733.

2007-1015. State ex rel. Rose v. Indus. Comm., 117 Ohio St.3d 540, 2008-Ohio-1732.

2007-1027. State ex rel. Consol. Biscuit Co. v. Indus. Comm., 117 Ohio St.3d 541, 2008-Ohio-1738.

2007-1684. Squire v. Geer, 117 Ohio St.3d 506, 2008-Ohio-1432.

2007-1839. State ex rel. White v. Billings, 117 Ohio St.3d 536, 2008-Ohio-1590.

2007-1887. Dambolena v. Ohio Bur. of Workers' Comp., 117 Ohio St.3d 541, 2008-Ohio-1735.

2007-1956. In re Application of Sherman, 117 Ohio St.3d 528, 2008-Ohio-1472.

2007-2102. State ex rel. Fontanella v. Kontos, 117 Ohio St.3d 514, 2008-Ohio-1431.

2007-2121. Franklin Cty. Pros. Atty. v. Walker, 117 Ohio St.3d 537, 2008-Ohio-1589.

MOTION AND PROCEDURAL RULINGS

2007-0693. State v. Bloomer.

Fulton App. No. F-06-012, 2007-Ohio-1039. This cause is pending before the court as an appeal from the Court of Appeals for Fulton County. Upon consideration thereof,

It is ordered by the court, sua sponte, that this cause is no longer held for the decision in *State v. Simpkins*, 117 Ohio St.3d 420, 2008-Ohio-1197, 884 N.E.2d 568, and briefing shall proceed.

It is further ordered that this cause shall be consolidated for oral argument with 2007-1415, *State v. Mosmeyer*, Hamilton App. No. C-060747, and 2007-1439, *State v. Barnes*, Portage App. No. 2006-P-0089, 2007-Ohio-3362. Appellants in these causes collectively will share 30 minutes for oral argument, as will appellees. Appellant in this cause may brief all of the propositions of law raised in these causes, but oral argument in this cause shall be restricted to appellant's double-jeopardy claim.

2007-0818. State v. Bankhead.

Hamilton App. No. C-060480, 2007-Ohio-1314. This cause is pending before the court as an appeal from the Court of Appeals for Hamilton County. Upon consideration thereof,

It is ordered, sua sponte, that this cause is no longer held for the decision in *State v. Simpkins*, 117 Ohio St.3d 420, 2008-Ohio-1197, 884 N.E.2d 568.

It is further ordered by the court that this cause is now held for the decisions in 2007-0693, *State v. Bloomer*, Fulton App. No. F-06-012, 2007-Ohio-1039, 2007-1415, *State v. Mosmeyer*, Hamilton App. No. C-060747, and 2007-1439, *State v. Barnes*, Portage App. No. 2006-P-0089, 2007-Ohio-3362, and the briefing schedule remains stayed.

2007-0866. State v. Leonard.

Ashtabula App. No. 2006-A-0064, 2007-Ohio-1545. This cause is pending before the court as an appeal from the Court of Appeals for Ashtabula County. Upon consideration thereof,

It is ordered, sua sponte, that this cause is no longer held for the decision in *State v. Simpkins*, 117 Ohio St.3d 420, 2008-Ohio-1197, 884 N.E.2d 568.

It is further ordered by the court that this cause is now held for the decisions in 2007-0693, *State v. Bloomer*, Fulton App. No. F-06-012, 2007-Ohio-1039, 2007-1415, *State v. Mosmeyer*, Hamilton App. No. C-060747, and 2007-1439, *State v. Barnes*, Portage App. No. 2006-P-0089, 2007-Ohio-3362, and the briefing schedule remains stayed.

2007-1023. State v. McKay.

Ashtabula App. No. 2006-A-0066, 2007-Ohio-1923. This cause is pending before the court as an appeal from the Court of Appeals for Ashtabula County. Upon consideration thereof,

It is ordered, sua sponte, that this cause is no longer held for the decision in *State v. Simpkins*, 117 Ohio St.3d 420, 2008-Ohio-1197, 884 N.E.2d 568.

It is further ordered by the court that this cause is now held for the decisions in 2007-0693, *State v. Bloomer*, Fulton App. No. F-06-012, 2007-Ohio-1039,

2007-1415, *State v. Mosmeyer*, Hamilton App. No. C-060747, and 2007-1439, *State v. Barnes*, Portage App. No. 2006-P-0089, 2007-Ohio-3362, and the briefing schedule remains stayed.

2007-1407. State v. Ross.

Ashtabula App. No. 2006-A-0088, 2007-Ohio-3388. This cause is pending before the court as an appeal from the Court of Appeals for Ashtabula County. Upon consideration thereof, it is ordered, sua sponte, that this cause is no longer held for the decision in *State v. Simpkins*, 117 Ohio St.3d 420, 2008-Ohio-1197, 884 N.E.2d 568.

It is further ordered by the court that this cause is now held for the decisions in 2007-0693, *State v. Bloomer*, Fulton App. No. F-06-012, 2007-Ohio-1039, 2007-1415, *State v. Mosmeyer*, Hamilton App. No. C-060747, and 2007-1439, *State v. Barnes*, Portage App. No. 2006-P-0089, 2007-Ohio-3362, and the briefing schedule remains stayed.

2007-1415. State v. Mosmeyer.

Hamilton App. No. C-060747. This cause is pending before the court as an appeal from the Court of Appeals for Hamilton County. Upon consideration of appellee's motion to dismiss the appeal,

It is ordered by the court that the motion is denied.

It is further ordered by the court, sua sponte, that this cause is no longer held for the decision in *State v. Simpkins*, 117 Ohio St.3d 420, 2008-Ohio-1197, 884 N.E.2d 568, and briefing shall proceed.

This cause shall be consolidated for oral argument with 2007-0693, *State v. Bloomer*, Fulton App. No. F-06-012, 2007-Ohio-1039, and 2007- 1439, *State v. Barnes*, Portage App. No. 2006-P-0089, 2007-Ohio-3362. Appellants in these causes collectively will share 30 minutes for oral argument, as will appellees. Appellant in this cause may brief all of the propositions of law raised in these causes, but oral argument in this cause shall be restricted to appellant's separation-of-powers and one-subject-rule claims.

2007-1439. State v. Barnes.

Portage App. No. 2006-P-0089, 2007-Ohio-3362. This cause is pending before the court as an appeal from the Court of Appeals for Portage County. Upon consideration thereof,

It is ordered by the court, sua sponte, that this cause is no longer held for the decision in *State v. Simpkins*, 117 Ohio St.3d 420, 2008-Ohio-1197, 884 N.E.2d 568, and briefing shall proceed.

It is further ordered that this cause shall be consolidated for oral argument with 2007-0693, *State v. Bloomer*, Fulton App. No. F-06-012, 2007-Ohio-1039, and 2007-1415, *State v. Mosmeyer*, Hamilton App. No. C-060747. Appellant in this cause may brief all of the propositions of law raised in these causes, but oral argument in this cause shall be restricted to appellant's nunc pro tunc, ex post facto, and retroactivity claims.

2007-1787. State v. Bailey.

Hamilton App. No. C-060918. This cause is pending before the court as an appeal from the Court of Appeals for Hamilton County. Upon consideration thereof,

It is ordered, sua sponte, that this cause is no longer held for the decision in *State v. Simpkins*, 117 Ohio St.3d 420, 2008-Ohio-1197, 884 N.E.2d 568.

It is further ordered by the court that this cause is now held for the decisions in 2007-0693, *State v. Bloomer*, Fulton App. No. F-06-012, 2007-Ohio-1039, 2007-1415, *State v. Mosmeyer*, Hamilton App. No. C-060747, and 2007-1439, *State v. Barnes*, Portage App. No. 2006-P-0089, 2007-Ohio-3362, and the briefing schedule remains stayed.

MISCELLANEOUS DISMISSALS

2008-0409. Neiswinter v. Nationwide Mut. Fire Ins. Co.

Summit App. No. 23648, 2008-Ohio-37. This cause is pending before the court as a discretionary 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 is granted. Accordingly, this cause is dismissed.

MEDIATION REFERRALS

The following case has been referred to mediation pursuant to S.Ct.Prac.R. XIV(6).

2008-0748. State ex rel. Perrea v. Cincinnati Pub. Schools.

In Mandamus.