

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

September 11, 2008

[Cite as *09/11/2008 Case Announcements*, 2008-Ohio-4562.]

MERIT DECISIONS WITH OPINIONS

2007-0742. State v. Brady, Slip Opinion No. 2008-Ohio-4493.

Ashtabula App. No. 2005-A-0085, 2007-Ohio-1779. Judgment reversed and cause remanded to the trial court for further proceedings.

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

2007-1299. State ex rel. Internatl. Truck & Engine Corp. v Indus. Comm., Slip Opinion No. 2008-Ohio-4494.

Franklin App. No. 06AP-949, 2007-Ohio-3289. Judgment reversed.

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

2008-0765. Disciplinary Counsel v. Newcomer, Slip Opinion No. 2008-Ohio-4492.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 07-092. Ned Stevens Newcomer, Attorney Registration No. 0012978, is suspended from the practice of law in Ohio for six months, stayed on condition.

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

MOTION AND PROCEDURAL RULINGS

2007-0268. State v. Smith.

Hamilton App. No. C-060077. This cause is pending before the court as an appeal from the Court of Appeals for Hamilton County. Upon consideration of

appellant's motion for leave to file a stipulation for extension of time to file appellant's merit brief,

It is ordered by the court that the motion is granted. It is further ordered that the stipulation for extension of time attached to the motion for leave is deemed filed, and appellant's merit brief is due Thursday, October 2, 2008.

2007-2443. State v. Pasqualone.

Ashtabula App. No. 2007-A-0005, 2007-Ohio-6725. This cause is pending before the court as an appeal from the Court of Appeals for Ashtabula County. Upon consideration of amicus curiae's motion for admission pro hac vice of Elisabeth A. Long by Benjamin C. Mizer,

It is ordered by the court that the motion for admission pro hac vice is granted.

2008-0972. Stetter v. R.J. Corman Derailment Servs., L.L.C.

Certified Questions of State Law, United States District Court, Northern Division of Ohio, Western Division, Case No. 3:07CV866. On May 16, 2008, an order certifying a number of state law questions was filed by the United States District Court, Northern District of Ohio, Western Division. On August 6, 2008, this court issued an order accepting the certified state law questions. On September 8, 2008, the United States District Court, Northern District of Ohio, Western Division filed an amended order indicating that the original certification order cited an incorrect Senate Bill and amending the questions certified to instead indicate the correct House Bill. Accordingly,

It is determined that the court will answer the following amended questions:

1. "Is R.C. §2745.01, as enacted by House Bill 498, effective April 7, 2005, unconstitutional for violating the right to trial by jury?"
2. "Is R.C. §2745.01, as enacted by House Bill 498, effective April 7, 2005, unconstitutional for violating the right to a remedy?"
3. "Is R.C. §2745.01, as enacted by House Bill 498, effective April 7, 2005, unconstitutional for violating the right to an open court?"
4. "Is R.C. §2745.01, as enacted by House Bill 498, effective April 7, 2005, unconstitutional for violating the right to due process of law?"
5. "Is R.C. §2745.01, as enacted by House Bill 498, effective April 7, 2005, unconstitutional for violating the right to equal protection of the law?"
6. "Is R.C. §2745.01, as enacted by House Bill 498, effective April 7, 2005, unconstitutional for violating the separation of powers?"
7. "Is R.C. §2745.01, as enacted by House Bill 498, effective April 7, 2005, unconstitutional for conflicting with the legislative authority granted to the General Assembly by §34 and §35, Article II, of the Ohio Constitution?"

8. “Does R.C. §2745.01, as enacted by House Bill 498, effective April 7, 2005, do away with the common law cause of action for employer intentional tort?”

It is ordered by the court that the petitioners shall file their merit brief within 40 days of the date of this entry accepting the amended state law questions and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. VI and XVIII(7).

MISCELLANEOUS DISMISSALS

2008-0289. State ex rel. Barnes v. Cleveland.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. It appears from the records of this court that relator has not filed a merit brief, due September 5, 2008, in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Accordingly, pursuant to S.Ct.Prac.R. X(12),

It is ordered by the court that this cause is dismissed sua sponte.

2008-1542. State v. Jones.

Lawrence App. No. 07CA2, 2008-Ohio-304. This cause is pending before the court as an appeal from a court of appeals decision under App.R. 26(B). Upon consideration of appellant’s motion for stay of execution of judgment,

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

It appears from the records of the court that the appellant has not filed a memorandum in support of jurisdiction, due August 11, 2008, in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

It is ordered by the court that this cause is dismissed sua sponte.

2008-1569. State ex rel. Johnson Controls, Inc. v. Montez.

Franklin App. No. 07AP-510, 2008-Ohio-3099. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. 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.

MEDIATION REFERRALS

The following cases have been referred to mediation pursuant to S.Ct.Prac.R. XIV(6):

2008-1639. State ex rel. Sebring v. Alro Steel Corp.
Franklin App. No. 07AP-679, 2008-Ohio-3625.

2008-1758. Shiloh Automotive, Inc. v. Wilkins.
Board of Tax Appeals, 2004-M-380.