

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

September 24, 2008

[Cite as *09/24/2008 Case Announcements*, 2008-Ohio-4834.]

MERIT DECISIONS WITH OPINIONS

2007-1467. State ex rel. Upton v. Indus. Comm., Slip Opinion No. 2008-Ohio-4758.

Franklin App. No. 06AP-594, 2007-Ohio-3283. Judgment affirmed.

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

2007-1954. State ex rel. McNeal v. Dayton, Slip Opinion No. 2008-Ohio-4757.

Franklin App. No. 06AP-1093, 2007-Ohio-5082. Judgment affirmed.

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

2008-0505. State ex rel. Mowen v. Mowen, Slip Opinion No. 2008-Ohio-4759.

Warren App. No. CA2007-10-119. Judgment affirmed.

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

Pfeifer, J., concurs in judgment only.

MERIT DECISIONS WITHOUT OPINIONS

2008-0215. State v. Sanchez.

Greene App. No. 06-CA-154, 2007-Ohio-6697. This cause is pending before the court as an appeal from the Court of Appeals for Greene County. Upon consideration of appellee's motion to dismiss the cause as having been improvidently accepted and the motion of amicus curiae Ohio Public Defender to participate in oral argument,

It is ordered by the court that the motion to dismiss is granted and the motion to participate in oral argument is denied as moot. Accordingly, this cause is dismissed.

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

Pfeifer and Lundberg Stratton, JJ., dissent.

Cupp, J., would defer ruling on the motion to dismiss until after oral argument.

2008-0429. State v. Sanchez.

Greene App. No. 06-CA-154, 2007-Ohio-6697. This cause is pending before the court on the certification of a conflict by the Court of Appeals for Greene County. Upon consideration of appellee's motion to dismiss the cause as having been improvidently certified and the motion of amicus curiae Ohio Public Defender to participate in oral argument,

It is ordered by the court that the motion to dismiss is granted and the motion to participate in oral argument is denied as moot. Accordingly, this cause is dismissed.

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

Pfeifer, J., dissents.

Cupp, J., would defer ruling on the motion to dismiss until after oral argument.

MOTION AND PROCEDURAL RULINGS

2008-0443. Colonial Village Ltd. v. Washington Cty. Bd. of Revision.

Board of Tax Appeals, No. 2004-A-574. This cause is pending before the court as an appeal from the Board of Tax Appeals. Upon consideration of the joint motion to consolidate this cause with 2008-0559, *Colonial Village Ltd. v. Washington Cty. Bd. of Revision*, 2008-0560, *Colonial Terrace Apts. v. Washington Cty. Bd. of Revision*, and 2008-0561, *Colonial Terrace Apts. II v. Washington Cty. Bd. of Revision*.

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

It is further ordered by the court that the parties shall combine the briefing of 2008-0443, 2008-0559, 2008-0560, and 2008-0561 and file one brief for each permitted under S.Ct.Prac.R. VI. The parties shall file an original of the brief in each case and 18 copies of the brief, and the parties shall otherwise comply with the requirements of S.Ct.Prac.R. VI.

2008-0559. Colonial Village Ltd. v. Washington Cty. Bd. of Revision.

Board of Tax Appeals, No. 2005-A-987. This cause is pending before the court as an appeal from the Board of Tax Appeals. Upon consideration of the joint motion to consolidate this cause with 2008-0443, *Colonial Village Ltd. v. Washington Cty. Bd. of Revision*, 2008-0560, *Colonial Terrace Apts. v. Washington Cty. Bd. of Revision*, and 2008-0561, *Colonial Terrace Apts. II v. Washington Cty. Bd. of Revision*.

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

It is further ordered by the court that the parties shall combine the briefing of 2008-0443, 2008-0559, 2008-0560, and 2008-0561 and file one brief for each permitted under S.Ct.Prac.R. VI. The parties shall file an original of the brief in each case and 18 copies of the brief, and the parties shall otherwise comply with the requirements of S.Ct.Prac.R. VI.

2008-0560. Colonial Terrace Apts. v. Washington Cty. Bd. of Revision.

Board of Tax Appeals, No. 2005-A-993. This cause is pending before the court as an appeal from the Board of Tax Appeals. Upon consideration of the joint motion to consolidate this cause with 2008-0443, *Colonial Village Ltd. v. Washington Cty. Bd. of Revision*, 2008-0559, *Colonial Village Ltd. v. Washington Cty. Bd. of Revision*, and 2008-0561, *Colonial Terrace Apts. II v. Washington Cty. Bd. of Revision*.

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

It is further ordered by the court that the parties shall combine the briefing of 2008-0443, 2008-0559, 2008-0560, and 2008-0561 and file one brief for each permitted under S.Ct.Prac.R. VI. The parties shall file an original of the brief in each case and 18 copies of the brief, and the parties shall otherwise comply with the requirements of S.Ct.Prac.R. VI.

2008-0561. Colonial Terrace Apts. II v. Washington Cty. Bd. of Revision.

Board of Tax Appeals, No. 2005-A-992. This cause is pending before the court as an appeal from the Board of Tax Appeals. Upon consideration of the joint motion to consolidate this cause with 2008-0443, *Colonial Village Ltd. v. Washington Cty. Bd. of Revision*, 2008-0559, *Colonial Village Ltd. v. Washington Cty. Bd. of Revision*, and 2008-0560, *Colonial Terrace Apts. v. Washington Cty. Bd. of Revision*.

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

It is further ordered by the court that the parties shall combine the briefing of 2008-0443, 2008-0559, 2008-0560, and 2008-0561 and file one brief for each permitted under S.Ct.Prac.R. VI. The parties shall file an original of the brief in each case and 18 copies of the brief, and the parties shall otherwise comply with the requirements of S.Ct.Prac.R. VI.

2008-1173. State v. Collins.

Cuyahoga App. No. 89668, 2008-Ohio-2363. This cause is pending before the court as a discretionary appeal and claimed appeal of right. On June 16, 2008, appellant filed a notice that a motion to certify a conflict was pending in the court of appeals and, pursuant to S.Ct.Prac.R. IV(4)(A), this court stayed consideration of the jurisdictional memoranda filed in this appeal. Whereas appellant has neither notified this court that the court of appeals determined that a conflict does not exist as provided by S.Ct.Prac.R. IV(4)(B) nor filed a copy of the court of appeals' order certifying the existence of a conflict as provided by S.Ct.Prac.R. IV(4)(C),

IT IS ORDERED by the court, sua sponte, that appellant show cause within fourteen days of the date of this entry why this court should not proceed to consider the jurisdictional memoranda in this appeal pursuant to S.Ct.Prac.R. III(6).

2008-1507. Utility Serv. Partners, Inc. v. Pub. Util. Comm.

Public App. No. 07-478-GA-UNC. This cause is pending before the court as an appeal from the Public Utilities Commission of Ohio. Upon consideration of the motion of Columbia Gas of Ohio, Inc., for leave to intervene as appellee,

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