

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

December 23, 2009

[Cite as *12/23/2009 Case Announcements*, 2009-Ohio-6787.]

MOTION AND PROCEDURAL RULINGS

2009-1806. State ex rel. Merrill v. Ohio Dept. of Natural Resources.

Lake App. Nos. 2008-L-007 and 2008-L-008, 2009-Ohio-4256. This cause is pending before the court as a discretionary appeal and claimed appeal of right. Preliminary to a decision as to whether to accept the discretionary appeals and cross-appeal in this case, the court requests that the parties brief the following issues:

1. Does the Attorney General have standing to appeal a judgment against the state of Ohio if that appeal is contrary to the directive of the Governor, and the Attorney General is not representing an administrative agency?

2. If the answer to the first question is “Yes,” is the record in this matter sufficient for this court to resolve the appeals and cross-appeal, if they are accepted, even though the state of Ohio’s assignments of error and briefs were stricken by the court of appeals?

Appellant/cross-appellee state of Ohio’s brief shall be filed within 15 days from the date of this order; all other parties may file briefs within 15 days after the state of Ohio’s brief has been filed; and the state of Ohio may file a reply within five days thereafter. No extensions of time shall be permitted. The clerk shall refuse to file any requests for extension of time.

Moyer, C.J., not participating.

MISCELLANEOUS DISMISSALS

2009-1759. State v. King.

Muskingum App. No. 09-CA-22, 2009-Ohio-3854. This cause is pending before the court as a discretionary appeal and claimed appeal of right. It appears from the records of the court that the appellant has not filed a memorandum in support of

jurisdiction, due December 18, 2009, 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.

MEDIATION REFERRALS

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

2009-2184. State ex rel. Carter v. Indus. Comm.
Franklin App. No. 08AP-30, 2009-Ohio-5547.

The following cases have been returned to the regular docket pursuant to S.Ct.Prac.R. XIV(6)(E):

2009-1765. AERC Saw Mill Village, Inc. v. Franklin Cty. Bd. of Revision.
Board of Tax Appeals, No. 2007-A-764.

2009-1777. State ex rel. Cedeno v. Indus. Comm.
Franklin App. No. 08AP-912, 2009-Ohio-4211.