

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

June 24, 2010

[Cite as *06/24/2010 Case Announcements*, 2010-Ohio-2866.]

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## MOTION AND PROCEDURAL RULINGS

### **1994-1964. State v. Garner.**

Hamilton C.P. No. C-920864. By entry filed February 2, 2010, this court ordered that appellant's sentence be carried into execution on Tuesday, July 13, 2010. In order to facilitate this court's timely consideration of any matters relating to the execution of appellant's sentence,

It is ordered by the court that the Chief Justice may suspend application of any provisions of the Rules of Practice of the Supreme Court, including, but not limited to, the filing requirements imposed by S.Ct.Prac.R. 14.1.

It is further ordered that service of documents as required by S.Ct.Prac.R. 14.2, shall be personal, by facsimile transmission, or by email.

It is further ordered that counsel of record for the parties shall provide this court with a copy of any document relating to this matter that is filed in, or issued by, any other court in this state or any federal court, as well as any commutation, pardon, or warrant of reprieve issued by the Governor. A copy of the document shall be delivered to the Office of the Clerk as soon as possible, either personally, by facsimile transmission, or by email.

### **2009-1618. JDS Salupo, Ltd. v. Summit Cty. Bd. of Revision.**

Board of Tax Appeals, No. 2006-A-2162. This cause is pending before the court as an appeal from the Board of Tax Appeals. Upon consideration of the joint motion of the parties to remand this cause to the Board of Tax Appeals,

It is ordered by the court that the motion is granted, and this cause is remanded to the Board of Tax Appeals to implement the settlement agreement of the parties.

### **2010-0740. Berry v. Lucas Cty. Bd. of Commrs.**

Certified Question of State Law, United States District Court, Northern District of Ohio, Western Division, No. 3:08CV3005. This cause came before the court on the certification of a state-law question from the United States District Court, Northern District of Ohio, Western Division. As the parties failed to timely file preliminary memoranda pursuant to S.Ct.Prac.R. 18.6,

It is ordered by the court, sua sponte, that the parties shall file preliminary memoranda as required by S.Ct.Prac.R. 18.6 no later than 20 days from the date of this order. Failure to timely file the preliminary memoranda may result in dismissal of this case for want of prosecution.

### **MISCELLANEOUS DISMISSALS**

#### **2010-0647. Cinco Properties, L.L.C. v. Franklin Cty. Bd. of Revision.**

Board of Tax Appeals, No. 2008-M-2431. This cause is pending before the court as an appeal from the Board of Tax Appeals. 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.

#### **2010-0983. Lyndhurst v. Di Fiore.**

Cuyahoga App. No. 93270, 2010-Ohio-1578. This cause is pending before the court as a discretionary appeal and claimed appeal of right. On June 3, 2010, when this appeal was filed, a check in the amount of \$100 was submitted by appellant to satisfy the requirement of the docket fee imposed by R.C. 2503.17 and S.Ct.Prac.R. 15.1. This court has been informed by the Office of the Treasurer of Ohio that the check was returned because of inability to locate the account. Whereas R.C. 2503.17 and S.Ct.Prac.R. 15.1 require that the docket fee shall be paid before a notice of appeal is filed or a case is docketed,

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