

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

July 13, 2010

[Cite as *07/13/2010 Case Announcements*, 2010-Ohio-3268.]

MERIT DECISIONS WITH OPINIONS

2008-0991 and 2008-0992. Chojnacki v. Cordray, Slip Opinion No. 2010-Ohio-3212.

Warren App. No. CA2008-03-040. Causes dismissed as moot.

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

Brown, C.J., not participating.

2009-1552. State v. Johnson, Slip Opinion No. 2010-Ohio-3214.

Franklin App. No. 08AP-990, 2009-Ohio-3436. Cause dismissed, sua sponte, as having been improvidently accepted.

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

2009-1706. State ex rel. La-Z-Boy Furniture Galleries v. Thomas, Slip Opinion No. 2010-Ohio-3215.

Franklin App. No. 08AP-827, 2009-Ohio-4546. Judgment of the court of appeals affirmed.

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

2010-0606. State ex rel. Barr v. Sutula, Slip Opinion No. 2010-Ohio-3213.

Cuyahoga App. No. 94530, 2010-Ohio-926. Judgment of the court of appeals affirmed.

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

MOTION AND PROCEDURAL RULINGS

2009-1292. State ex rel. Doner v. Logan.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. On October 23, 2009, the court referred this case to a master commissioner for the limited purpose of receiving evidence and stayed all established deadlines for briefing. On June 8, 2010, the parties were ordered to file motions no later than June 18, 2010, regarding the admissibility of the evidence submitted on June 1, 2010.

Upon consideration of relators' motion to strike respondents' presentation of evidence, Tabs E-N, the motion is denied.

Upon consideration of relators' motion to strike the affidavit of Jay Dorsey, the motion is denied.

Upon consideration of respondents' motion to strike, the motion is granted in part and the following evidence is stricken from the record:

- The Affidavit and Exhibits of Pressley L. Campbell in Response to the DeGroot Affidavit and the Stantec Criticisms; the Affidavit and Exhibits of James R. Moir in Response to the Stantec Reports; and the Affidavit and Exhibits of James R. Moir in Response to the Affidavit of Tadd H. Henson (Relators' Evid. Vol. 10, Tabs 124 & 125; Relators' Evid. Vol. 11, Tab 129).
- The Affidavit and Exhibit of Jay H. Gould (Relators' Evid. Vol. 4, Tab. 101).
- The Affidavit and Exhibits of Martha C. Brewer (Relators' Evid. Vol. 10, Tab 128).

The remainder of the motion is denied.

Cupp, J., not participating.

2009-1292. State ex rel. Doner v. Logan.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. On October 23, 2009, the court referred this case to a master commissioner for the limited purpose of receiving evidence and stayed all established deadlines for briefing. As of June 1, 2010, all evidence in this case has been filed. Upon consideration thereof,

It is ordered by the court, sua sponte, that the following schedule is set for the presentation of briefs. The relators shall file an amended merit brief in light of the master commissioner's evidentiary rulings within 30 days of the date of this entry; respondents shall file a brief within 30 days of the filing of relators' amended merit brief; and relators may file a reply brief within 20 days of the filing of respondents' brief.

Cupp, J., not participating.

2009-1998. Ward v. Summa Health Sys.

Summit App. No. 24567, 184 Ohio App.3d 254, 2009-Ohio-4859. This cause is pending before the court as an appeal from the Court of Appeals for Summit County. Upon consideration of appellees' motion to supplement the record,

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

It is further ordered that the clerk of courts for Summit County shall supplement the record with the deposition of Virginia Abell, R.N., within 20 days of the date of this entry.

MISCELLANEOUS DISMISSALS

2010-0718. State v. Pinkney.

Cuyahoga App. No. 91861. 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 July 9, 2010, 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.