

**SUPREME COURT OF OHIO**

**COLUMBUS**

**ANNOUNCEMENT**

MONDAY  
February 8, 1999

**MERIT DOCKET**

**98-259. State ex rel. Brown v. Indus. Comm.**

Franklin App. No. 97APD02-253. This cause, here on appeal from the Court of Appeals for Franklin County, was considered in the manner prescribed by law. Upon consideration of appellee's motion to dismiss,

IT IS ORDERED by the court that the motion to dismiss be, and hereby is, sustained.

IT IS FURTHER ORDERED by the court that this cause be, and hereby is, dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg Stratton, JJ., concur.

**MOTION DOCKET**

**98-1607. Hillyer v. State Farm Ins. Co.**

Lake App. No. 97-L-031. This cause is pending before the court as an appeal of a judgment entered by the Court of Appeals for Lake County on June 29, 1998. On December 4, 1998, this court entered an order extending the time for filing the record and temporarily remanding this case to the court of appeals for the purpose of entering a decision on reconsideration of its judgment.

On January 21, 1999, the Clerk of the court of appeals certified and transmitted the record to this court. It appearing from the record that the court of appeals entered its decision on reconsideration on December 21, 1998, vacating its earlier judgment and substituting a new judgment,

IT IS ORDERED by the court, *sua sponte*, that the appellants show cause within twenty days of the date of this entry why this appeal from the earlier judgment entered by the court of appeals on June 29, 1998, should not be dismissed.

### **DISCRETIONARY APPEALS ALLOWED**

#### **98-2452. Clark v. Forney.**

Sandusky App. No. S-97-053. Upon consideration of the jurisdictional memoranda filed in this case, the court hereby allows the appeal. The Clerk shall issue an order for the transmittal of the record from the Court of Appeals for Sandusky County, and the parties shall brief this case in accordance with the Rules of Practice of the Supreme Court of Ohio.

Cook, J., would hold this cause for the decision in 98-1462, *Waite v. Progressive Ins. Co.*, Huron App. No. H-97-036.

Moyer, C.J., and Lundberg Stratton, J., dissent.

### **DISCIPLINARY DOCKET**

#### **98-423. Columbus Bar Assn. v. King.**

In an order filed December 9, 1998, this court ordered relator to file the name of a monitor for respondent within thirty days of the date of the order. On December 28, 1998, relator filed a request for an extension of time to appoint a monitor until January 19, 1999. Upon consideration thereof,

IT IS ORDERED by the court, *sua sponte*, that relator shall appoint a monitor and file the name of the monitor within twenty days of the date of this entry.

### **MISCELLANEOUS DISMISSALS**

#### **98-2394. State v. Varner.**

Trumbull App. No. 96-T-5581. This cause is pending before the court as a discretionary appeal and a claimed appeal of right. Upon consideration of appellant's application for dismissal,

IT IS ORDERED by the court that the application for dismissal be, and hereby is, granted.

ACCORDINGLY, IT IS FURTHER ORDERED by the court that this cause be, and hereby is, dismissed.

**99-214. Klein v. Dietz.**

Mahoning App. No. 95 C.A. 47. This cause is pending before the court as a discretionary appeal and claimed appeal of right. On January 29, 1999, appellant filed a memorandum in support of jurisdiction that exceeds the page limitation prescribed by S.Ct.Prac.R. III(1)(C). Whereas appellant has not filed a memorandum in support of jurisdiction in compliance with S.Ct.Prac.R. III within the time for perfecting her appeal, and whereas, pursuant to S.Ct.Prac.R. II(2)(A)(1), appellant's failure to file a memorandum in support of jurisdiction within the prescribed time period divests this court of jurisdiction to hear the appeal,

IT IS ORDERED by the court, *sua sponte*, that appellant's memorandum in support of jurisdiction be, and hereby is, stricken.

IT IS FURTHER ORDERED by the court, *sua sponte*, that this cause be, and hereby is, dismissed.