

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

December 11, 2003

RECONSIDERATION OF PRIOR DECISIONS

2002-0293. Judy v. Ohio Bur. of Motor Vehicles, 2003-Ohio-5277.

Lucas App. No. L-01-1200, 2001-Ohio-2909. Reported at 100 Ohio St.3d 122, **2003-Ohio-5277**, 797 N.E.2d 45. On motion for reconsideration. Motion granted to the following extent. The opinion announced on October 8, 2003, is modified as follows:

In ¶ 1 and ¶ 28, the words "abused its discretion" are changed to "erred."

The judgment line and ¶ 33 are modified to read as follows:

{¶33} Thus, *Beifuss* and *Tavener* make clear two propositions of law: a school board is (1) a state agency for purposes of such litigation and (2) liable for postjudgment interest under R.C. 1343.03. These two propositions, taken together, stand for the principle that the state is liable for postjudgment interest under R.C. 1343.03. See, also, *Bowman*, 77 Ohio St.3d at 398, 674 N.E.2d 694. No one disputes the status of the BMV as a state agency. Accordingly, we hold that the BMV is liable for postjudgment interest pursuant to R.C. 1343.03. Because the court of appeals concluded that the BMV was not liable for postjudgment interest, it did not review the trial court's determination that postjudgment interest should accrue from the

date of the partial summary judgment. We therefore remand the cause to the court of appeals to review that determination.

Judgment affirmed in part,
reversed in part
and cause remanded.

MOYER, C.J., F.E. SWEENEY, WALTERS, LUNDBERG STRATTON and WISE, JJ., concur.

CARR, J., concurs with the granting of the motion for reconsideration but otherwise adheres to her dissenting opinion found at 100 Ohio St.3d 122, **2003-Ohio-5277**, 797 N.E.2d 45, ¶ 34-42.

PFEIFER, J., dissents.

DONNA J. CARR, J., of the Ninth Appellate District, sitting for RESNICK, J.

SUMNER E. WALTERS, J., of the Third Appellate District, sitting for COOK, J.

JOHN W. WISE, J., of the Fifth Appellate District, sitting for O'CONNOR, J.