

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

July 3, 2003

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### MERIT DECISIONS WITHOUT OPINIONS

**2003-0964. Ballard v. Lazaroff.**

In Habeas Corpus. This cause originated in this court on the filing of a petition for a writ of habeas corpus. Upon consideration thereof,

IT IS ORDERED by the court, sua sponte, that a writ of habeas corpus be, and hereby is, allowed.

IT IS FURTHER ORDERED by the court that respondent file a return of the writ within 20 days of service of the petition, and petitioner may file a response within 10 days of filing of the return.

IT IS FURTHER ORDERED by the court that it is not necessary to convey the prisoner before the court as prescribed in R.C. 2725.12.

### MOTION AND PROCEDURAL RULINGS

**1988-0351. State v. Cooley.**

Summit App. No. CA12943. By entry filed May 7, 2003, this court ordered that appellant's sentence be carried into execution on Thursday, the 24th day of July, 2003. 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. XIV(1).

IT IS FURTHER ORDERED by the court that service of documents as required by S.Ct.Prac.R. XIV(2) shall be personal or by facsimile transmission.

IT IS FURTHER ORDERED by the court that counsel of record for the parties shall supply 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 or by facsimile transmission.

**2000-1030. Ohio Hosp. Assn. v. Armstrong World Industries, Inc.**

Cuyahoga App. No. 76067. This cause is pending before the court as an appeal from the Court of Appeals for Cuyahoga County. On April 13, 2001, this court stayed further proceedings in this case and ordered appellee to file a notice with this court upon the termination of the automatic stay under the Bankruptcy Code.

IT IS ORDERED by the court, sua sponte, that appellee W. R. Grace & Son & Co.-Conn. file a notice advising this court of the status of the bankruptcy case, within 15 days of the date of this entry.

**2002-0777. In re Price.**

Butler App. Nos. CA2001-02-035 and CA2001-04-085. This cause is pending before the court as an appeal from the Court of Appeals for Butler County.

IT IS ORDERED by the court, sua sponte, that this cause be held for the decision in Supreme Court case No. 2002-0824, *In re Thomas*, Warren App. No. CA2001-02-013, 2002-Ohio-1426, and case Nos. 2002-0892 and 2002-0894, In re April B., Lucas App. Nos. L-01-1334 and L-01-1348, 2002-Ohio-2299.

**2002-0825. In re Price.**

Butler App. No. CA2001-02-035. This cause is pending before the court on the certification of a conflict by the Court of Appeals for Butler County.

IT IS ORDERED by the court, sua sponte, that this cause be held for the decision in Supreme Court case No. 2002-0824, *In re Thomas*, Warren App. No. CA2001-02-013, 2002-Ohio-1426, and case Nos. 2002-0892 and 2002-0894, In re April B., Lucas App. Nos. L-01-1334 and L-01-1348, 2002-Ohio-2299.

**2002-1573. Ram v. Cleveland Clinic Found.**

Cuyahoga App. No. 80447. On motion to strike appellees' merit brief and supplement for failure to provide timely service. Motion denied.

Moyer, C.J., and Lundberg Stratton, J., would grant and allow appellees 15 days from the date of entry to perfect service.

**2003-0837. State v. Griffin.**

Franklin App. No. 98AP-1254. On motion for leave to file delayed appeal. Motion denied.

**2003-0841. State ex rel. Seaton v. Holmes.**

In Prohibition. On relator's complaint in prohibition. Sua sponte, alternative writ granted.

Lundberg Stratton and O'Connor, JJ., would grant the writ of prohibition.

**2003-0847. State v. Crain.**

Lake App. No. 2001-L-147, 2003-Ohio-1204. On motion for leave to file delayed appeal. Motion denied.

O'Connor, J. dissents.

**2003-0862. State v. Patrick.**

Cuyahoga App. No. 81497. On motion for leave to file delayed appeal. Motion denied.

**2003-0870. State v. Roberts.**

Hamilton App. No. C-000756. On motion for leave to file delayed appeal. Motion denied.

O'Donnell, J., dissents.

**2003-0901. State v. Johnson.**

Hamilton App. No. C990905. On motion for leave to file delayed appeal. Motion denied.

**2003-0911. State v. Shay.**

Cuyahoga App. No. 80942. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**2003-0914. State v. Miller.**

Stark App. No. 2001CA00150. On motion for leave to file delayed appeal. Motion denied.

**2003-0934. State v. Schmidt.**

Mercer App. No. 10-01-10. On motion for leave to file delayed appeal. Motion denied.

**2003-0959. Peoples Sav. Bank v. Jenkins.**

Champaign App. No. 02-CA-39. On motion for stay of court of appeals' judgment. Motion denied.

**2003-0970. State v. Olverson.**

Franklin App. No. 02AP-554. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

**APPEALS NOT ACCEPTED FOR REVIEW**

**2003-0712. State v. Stanishia.**

Franklin App. No. 01AP-1298, 2002-Ohio-4762.

**2003-0775. State v. Merriweather.**

Cuyahoga App. No. 58089.

**RECONSIDERATION OF PRIOR DECISIONS**

**2001-1796. State ex rel. Ohio Treatment Alliance v. Paasewe.**

Franklin App. No. 00AP-1444. Reported at 99 Ohio St.3d 18, 2003-Ohio-2449, 788 N.E.2d 1035. On motion for reconsideration. Motion denied.

**2002-2238. State ex rel. Fogle v. Carlisle.**

Warren App. No. CA2002-09-097. Reported at 99 Ohio St.3d 46, 2003-Ohio-2460, 788 N.E.2d 1060. On motion for reconsideration. Motion denied.

**2003-0058. Sohi v. Ohio State Dental Bd.**

Hamilton App. No. C-020224. Reported at 98 Ohio St.3d 1513, 2003-Ohio-1572, 786 N.E.2d 63. On motion for reconsideration. Motion denied.

**2003-0274. Taylor v. Covey.**

Stark App. No. 2002CA00201, 2002-Ohio-7221. Reported at 98 Ohio St.3d 1566, 2003-Ohio-2242, 787 N.E.2d 1231. On motion for reconsideration. Motion denied.

Lundberg Stratton and O'Connor, JJ., dissent.

**2003-0427. Gruelich v. The Hartford.**

Cuyahoga App. No. 80987, 2003-Ohio-652. Reported at 99 Ohio St.3d 1415, 2003-Ohio-2504, 788 N.E.2d 1098. On motion for reconsideration. Motion denied.

O'Connor, J., dissents and would allow on Proposition of Law I only.

**2003-0429. Straughan v. The Flood Co.**

Cuyahoga App. No. 81086, 2003-Ohio-290. Reported at 99 Ohio St.3d 1415, 2003-Ohio-2504, 788 N.E.2d 1098. On motion for reconsideration. Motion denied.

Lundberg Stratton, J., dissents.

O'Connor, J., dissents and would hold for the decision in 2003-0302, *Taylor v. Kemper Ins. Co.*, Cuyahoga App. No. 81360, 2003-Ohio-177.

**2003-0446. Workman v. Carlisle Engineered Products, Inc.**

Cuyahoga Apps. No. 81179 and 81211, 2003-Ohio-293. Reported at 99 Ohio St.3d 1415, 2003-Ohio-2504, 788 N.E.2d 1098. On motion for reconsideration. Motion denied.

O'Connor, J., dissents.

O'Donnell, J., not participating.

**2003-0465. Toledo v. Buchanan.**

Lucas App. No. L-02-1010, 2003-Ohio-480. Reported at 99 Ohio St.3d 1412, 2003-Ohio-2454, 788 N.E.2d 647. On motion for reconsideration. Motion denied.

**2003-0517. State ex rel. Glenn v. Cunningham.**

In Mandamus. Reported at 99 Ohio St.3d 1404, 2003-Ohio-2454, 788 N.E.2d 642. On motion for reconsideration. Motion denied.

**DISCIPLINARY CASES**

**2002-2237. Disciplinary Counsel v. Baumgartner.**

On June 27, 2003, respondent filed a motion for emergency judicial notice of adjudicative facts and demand for a hearing. Whereas S.Ct.Prac.R. IX(9) prohibits the filing of additional briefs or other materials related to the merits of a case after the case has been orally argued,

IT IS ORDERED by the court, sua sponte, that respondent's motion be, and hereby is, stricken.

## MISCELLANEOUS DISMISSALS

### **2003-0795. Bacon v. Donnet.**

Summit App. No. 21201, 2003-Ohio-1301. This cause is pending before the court as a discretionary appeal and a claimed appeal of right. Upon consideration of appellants' 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.