

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

August 17, 2004

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### MOTION AND PROCEDURAL RULINGS

**2004-0142. State ex rel. Pethe v. Indus. Comm.**

Franklin App. No. 02AP-1202, 2003-Ohio-6832. On March 4, 2004, this case was referred to mediation under S.Ct.Prac.R. XIV(6). Whereas mediation is ongoing,

IT IS ORDERED by the court, sua sponte, that the briefing schedule for this case is stayed until further notice. The court will not issue any decision on the merits of this case until mediation has concluded. The lifting of this stay of briefing or the return of this case to the court's regular docket will begin de novo the time for briefing prescribed in S.Ct.Prac.R. VI.

**2004-0705. XO Ohio, Inc. v. Pub. Util. Comm.**

Public Utilities Commission No. 01-2771-TP-CSS. The court hereby returns this case to the regular docket under S.Ct.Prac.R. XIV(6). Appellant shall file its merit brief within 40 days of the date of this entry and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. VI. As provided in S.Ct.Prac.R. VI(7), the court may dismiss this case or take other action if the parties fail to timely file merit briefs.

### MEDIATION REFERRALS

**2004-1262. State ex rel. Excel Logistics, Inc. v. Indus. Comm.**

Franklin App. No. 03AP-456, 2004-Ohio-3594. The court refers this case to mediation under S.Ct.Prac.R. XIV(6), and stays the briefing schedule for this case until further notice. The court will not issue any decision on the merits of this case until mediation has concluded. The lifting of this stay of briefing or the return of this case to the court's regular docket will begin de novo the time for briefing prescribed in S.Ct.Prac.R. VI.

## MISCELLANEOUS DISMISSALS

### **2003-1913. Community First Bank & Trust v. Dafoe.**

Van Wert App. No. 15-03-04. This cause is pending before the court on certification of a conflict from the Court of Appeals for Van Wert County. It appears from the records of this court that appellant has not filed a merit brief, due August 9, 2004, 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 be, and hereby is, dismissed sua sponte.

### **2004-0800. State ex rel. Diversey Corp. v. Bur. of Workers' Comp.**

Franklin App. No. 03AP-343, 2004-Ohio-1626. This cause is pending before the court on certification of a conflict from the Court of Appeals for Franklin County. 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.

### **2004-0899. State v. Condon.**

Hamilton App. No. C-030621, 2004-Ohio-2031. This cause is pending before the court as a discretionary appeal. 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.