

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

FRIDAY
September 6, 1996

MOTION DOCKET

95-2066. DeRolph v. State.
Perry County, No. CA477. On September 3, 1996, appellees filed a document titled "Statement of Additional Authorities." Appellees' document contains more than the list of citations to additional authorities permitted by S.Ct.Prac.R. IX(7), and therefore, is not in compliance with S.Ct.Prac.R. IX(7). Accordingly,

IT IS ORDERED by the court, sua sponte, that appellees' statement of additional authorities be, and hereby is, stricken.

96-625. State v. Guess.
Franklin County, No. 95APA08-1068. This cause is pending before the court as a discretionary appeal and a claimed appeal of right. Upon consideration of appellant's motion for recusal of Chief Justice Thomas J. Moyer,

IT IS ORDERED by the court that the motion for recusal be, and hereby is, denied.

96-677 and 96-678. State v. Smith.
Butler County, Nos. CR95050471 and CA96-02-024. These causes are pending before the court as appeals from the Court of Common Pleas of Butler County. Upon consideration of appellant's motion to review the defense mitigation exhibits,

IT IS ORDERED by the court that the motion to review the defense mitigation exhibits be, and hereby is, granted.

96-1406. NFI Metro Ctr. II Assoc. v. Franklin Cty. Bd. of Revision.
Board of Tax Appeals, No. 95-J-80. This cause is pending before the court as an appeal from the Board of Tax Appeals. Upon consideration of appellant's motion to consolidate this cause with Supreme Court case No. 96-1407, NFI Metro Ctr. II Assoc. v. Franklin Cty. Bd. of Revision, Board of Tax Appeals, No. 95-J-79, for briefing and oral argument,

IT IS ORDERED by the court that the motion to consolidate be, and hereby is, granted.

IT IS FURTHER ORDERED that the parties shall combine the briefing of case Nos. 96-1406 and 96-1407 and file one brief for each brief permitted under S.Ct.Prac.R. VI; the parties shall file an original of the brief and an original of any supplement in case No. 96-1406 and in case No. 96-1407 and a total of eighteen copies of the brief and two copies of the supplement; and the parties shall otherwise comply with the requirements of S.Ct.Prac.R. VI and VII.

96-1695. State ex rel. Olander v. French.

Franklin County, No. 96APD04-501. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. It appears from the records of this court that appellants/cross-appellees have not filed a merit brief, due August 30, 1996, in compliance with the Rules of Practice of the Supreme Court and therefore have failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that the appeal of appellants/ cross-appellees, Judith L. French et al., be, and hereby is, dismissed sua sponte.

The appeal of appellee/cross-appellant, Thomas J. Olander, remains pending.

IT IS FURTHER ORDERED by the court, sua sponte, that the briefing schedule provided in S.Ct.Prac.R. VI, Sections 1 through 3, shall be modified in this case as set forth below:

1. Brief of cross-appellant shall be due September 16, 1996.
2. Responsive brief of cross-appellee shall be due October 1, 1996.
3. Reply brief of cross-appellant shall be due October 8, 1996.

IT IS FURTHER ORDERED by the court, sua sponte, that the provisions for extension of time in S.Ct.Prac.R. XIV(3)(B)(2) shall not apply to the filing of the above briefs.

RECONSIDERATION DOCKET

95-2444. Cleveland Elec. Illum. Co. v. Pub. Util. Comm.

Public Utilities Commission, No. 95-458-EL-UNC. Reported at 76 Ohio St.3d 521, ___ N.E.2d ___.

On September 3, 1996, amicus curiae, city of Cleveland, filed a motion for reconsideration in this cause. Under S.Ct.Prac.R. XI(2)(B) and (C), the filing of a motion for reconsideration by an amicus curiae without prior leave of the Supreme Court is prohibited. Accordingly,

IT IS ORDERED by the court, sua sponte, that the motion for reconsideration filed by city of Cleveland be, and hereby is, stricken.

96-502. Bar-Tec, Inc. v. Ohio Dept. of Liquor Control.

Franklin County, No. 95APE10-1331. Reported at 76 Ohio St.3d 1446, ___ N.E.2d ___.

IT IS ORDERED by the court that the motion for reconsideration of the dismissal of this case for want of prosecution be, and hereby is, denied.

MISCELLANEOUS DISMISSALS

96-1727. Roberts v. Nationwide Mut. Ins. Co.

Franklin County, No. 95APE12-574. 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.

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