

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

1:00 P.M.

WEDNESDAY

September 2, 1998

DISMISSALS, SUA SPONTE, NO SUBSTANTIAL
CONSTITUTIONAL QUESTION AND DISCRETIONARY
APPEALS, IF APPLICABLE, NOT ALLOWED

98-962. Earley v. Keenan.
Cuyahoga App. No. 74334.

98-976. State v. Young.
Greene App. No. 97-CA-106.

98-978. State v. Ward.
Allen App. No. 1-97-56.

98-1000. Ohio Dept. of Taxation v. Cohen.
Cuyahoga App. No. 73705.

98-1035. State v. Erwin.
Licking App. No. 97CA32.

98-1039. In re Estate of Davis.
Montgomery App. No. 16698.

98-1045. State v. Carpenter.
Medina App. No. 2667-M.

98-1046. State v. Hull.
Greene App. No. 97-CA-22.

98-1048. State v. Phillips.
Lucas App. No. L-97-1217.
Moyer, C.J., and Lundberg Stratton, J., dissent.
Resnick, J., not participating.

98-1051. State v. Rodrigues.
Franklin App. No. 97APA08-1110.

98-1054. State v. Ward.
Allen App. No. 1-98-1.

98-1057. State v. Whisenant.
Portage App. No. 95-P-0112.
Moyer, C.J., and Pfeifer, J., dissent.

98-1060. Berthelot v. Berthelot.
Summit App. No. 18331.
Douglas, J., dissents.

98-1065. State v. McGee.
Lorain App. No. 97CA006924.

98-1070. State v. Ulrey.
Cuyahoga App. No. 71705.

98-1072. Cullen v. Ohio Dept. of Rehab. & Corr.
Franklin App. No. 97API08-1113.

98-1073. State v. Saddler.
Cuyahoga App. No. 71747.

98-1078. Wloszek v. Wloszek.
Cuyahoga App. No. 73032.

98-1080. Parahoo v. Mancini.
Franklin App. No. 97APE08-1071.
Lundberg Stratton, J., dissents.

98-1083. State v. Bowling.
Franklin App. No. 97APA07-887.

98-1087. Davis v. Columbus Corp.
Franklin App. No. 97APE08-1052.

98-1089. State v. Harris.
Lucas App. No. L-97-1363.

98-1091. State v. Richard.
Cuyahoga App. No. 73499.

98-1098. State v. Brant.
Portage App. No. 97-P-0019.

98-1108. State v. Bradford.
Lorain App. No. 97CA006874.

98-1126. State v. Davis.
Lake App. No. 96-L-167. (Appeal of Ernest Davis; cross-appeal
of state of Ohio.)

98-1128. State v. Martin.
Cuyahoga App. No. 74226.
Pfeifer, J., dissents.

98-1129. State v. Jack.
Athens App. No. 97CA10.

98-1160. Bedford v. Tolbert.

Cuyahoga App. No. 72439.

Douglas, J., dissents.

Cook, J., dissents and would allow on Proposition of Law No. I only.

98-1174. State v. Moore.

Franklin App. No. 97APA08-1023.

98-1177. State v. Wooten.

Hamilton App. Nos. C-970495 and C-970496.

98-1254. State v. Daniels.

Hamilton App. No. C-960819.

MOTION DOCKET

94-1538. State v. Bies.

Hamilton App. No. C-920841. On motion to continue stay of execution pending exhaustion of postconviction remedies. Motion granted; stay to expire in sixty days.

97-1880. Worthington City School Dist. Bd. of Edn. v. Franklin Cty. Bd. of Revision.

Board of Tax Appeals, No. 96-D-1218. On motion for admission pro hac vice of Dean H. Bilton and John M. Brannigan. Motion granted.

Resnick and Lundberg Stratton, JJ., not participating.

On motion to vacate entry consolidating cases for oral argument. Motion denied.

Douglas, J., would convert motion to vacate entry consolidating cases into motion to sever cases.

Resnick and Lundberg Stratton, JJ., not participating.

98-451. Mayfield City School Dist. Bd. of Edn. v. Cuyahoga Cty. Bd. of Revision.

Board of Tax Appeals, Nos. 97-G-589 and 97-G-594. Sua sponte, cause held for decision in 97-1880, 97-2423, 98-704, 98-758 and 98-984.

Moyer, C.J., dissents and would set this case for oral argument.

Resnick, J., dissents and would consolidate all cases for oral argument.

98-856. Headley v. Ohio Govt. Risk Mgt. Plan.

Muskingum App. No. CT970017. On motion to consolidate with case No. 98-1460. Motion granted.

Pfeifer and Cook, JJ., dissent.

98-1147. Simons v. W. Res. Tel. Co.

Public Utilities Commission, No. 96-1405-TP-CSS. On motion to strike notice of appeal. Motion granted.

Pfeifer, J., dissents.

On motion to correct case caption. Motion denied.

Pfeifer, J., dissents.

98-1274. Laidlaw Waste Sys., Inc. v. Consol. Rail Corp.

Certified State Law Question, No. C2980227. On review of

preliminary memoranda pursuant to S.Ct.Prac.R. XVIII(6). The court will answer the following question found at page 3 of the Certification Order of the United States District Court for the Southern District of Ohio, Eastern Division:

"What is the effective date of Ohio Revised Code 4123.93, as enacted by Am.Sub.H.B. No. 107, following the April 8, 1994 order issued in State ex rel. Ohio AFL-CIO v. Voinovich, 69 Ohio St.3d 225 [631 N.E.2d 582] (1994), and the April 29, 1994 order issued in State ex rel. Ohio AFL-CIO v. Voinovich, 69 Ohio St.3d 1208 [632 N.E.2d 907] (1994)?"

98-1275. State v. Mock.
Cuyahoga App. No. 66682. On motion for leave to file delayed appeal. Motion denied.

DISCRETIONARY APPEALS ALLOWED

98-952. Biddle v. Warren Gen. Hosp.
Trumbull App. No. 96-T-5582. On appeal of Robert L. Holland and Elliott, Heller, Maas, Moro & Magill Co. and on appeal of Warren General Hospital and Kevin Andrews. Discretionary appeals allowed.

On cross-appeal of Cheryl A. Biddle et al. Discretionary cross-appeal allowed.

Cook, J., would allow Propositions of Law Nos. III through VII only on the cross-appeal.

98-1015. State v. Scarborough.
Warren App. No. CA97-08-088. The discretionary appeal is allowed on Propositions of Law Nos. I and II only. Cause held for the decision in 97-1985, State v. Cook, Allen App. No. 1-97-21; briefing schedule stayed.

98-1017. State ex rel. Eckstein v. Midwest Pride IV, Inc.
Fayette App. Nos. CA97-03-007 and CA97-04-011. On appeal of Steven H. Eckstein and cross-appeal of Midwest Pride IV, Inc. Discretionary appeal and cross-appeal allowed.

Resnick, F.E. Sweeney and Lundberg Stratton, JJ., dissent.

98-1061. Ottawa Cty. Bd. of Commrs. v. Marblehead.
Ottawa App. No. OT-97-031.
Douglas, J., dissents.
Moyer, C.J., and Resnick, J., not participating.

98-1092. State v. Rimmer.
Lorain App. No. 97CA006795. The discretionary appeal is allowed on Proposition of Law No. I only. Cause held for the decision in 97-1985, State v. Cook, Allen App. No. 1-97-21; briefing schedule stayed.

98-1097. First Bank of Marietta v. Roslovic & Partners, Inc.
Franklin App. Nos. 97APE09-1199 and 97APE09-1201.
F.E. Sweeney, Cook and Lundberg Stratton, JJ., dissent.

DISCRETIONARY APPEALS NOT ALLOWED

98-965. Nicholas v. Lowrey.

Greene App. No. 97-CA-73.

Pfeifer, J., dissents.

98-987. Bradley v. Kijauskus.

Cuyahoga App. No. 72481. (Appeal of Cynthia Bradley and Mary Bell; cross-appeal of Lake Erie Construction.)

98-1014. Sbrochi v. Bernard.

Franklin App. No. 97APF08-1148.

98-1034. Kalmbach Feeds, Inc. v. Rogers.

Richland App. No. 97CA80.

98-1047. Negron v. Odeon Concert Club, Inc.

Cuyahoga App. No. 73165.

98-1050. Hoops v. Jerusalem Twp. Bd. of Trustees.

Lucas App. No. L-97-1240.

Moyer, C.J., dissents.

Resnick, J., not participating.

98-1076. In re Philips.

Montgomery App. Nos. 16602, 16603, 16604 and 16605.

Moyer, C.J., dissents.

98-1079. Freeman v. Cleveland Clinic Found.

Cuyahoga App. No. 71426.

F.E. Sweeney, J., dissents.

98-1082. Haralson v. Banc One Corp.

Franklin App. No. 97APE08-1134.

98-1101. State v. Hammond.

Hamilton App. No. C-970394.

98-1135. State v. Irely.

Summit App. No. 18391.

98-1170. Estate of Glenn v. Lake Hosp. Sys., Inc.

Lake App. No. 96-L-154.

Douglas and Resnick, JJ., dissent.

RECONSIDERATION DOCKET

97-1142. Sutowski v. Eli Lilly & Co.

Certified State Law Question, No. 1:97CV1283. Reported at 82 Ohio St.3d 347, 696 N.E.2d 187. On motion for reconsideration.

The motion fails for want of four votes on the following vote:

Moyer, C.J., Cook and Lundberg Stratton, JJ., would deny.

Douglas, F.E. Sweeney and Pfeifer, JJ., would grant.

Resnick, J., not participating.

98-835. State v. Ferguson.

Franklin App. No. 97APA05-674. Reported at 82 Ohio St.3d 1452, 695 N.E.2d 265. On motion for reconsideration. Motion denied.

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

98-846. Kagy v. Toledo Lucas Cty. Port Auth.
Fulton App. No. 97-FU-9. Reported at 82 Ohio St.3d 1477, 696
N.E.2d 604. On motion for reconsideration. Motion denied.
Douglas and Lundberg Stratton, JJ., dissent.
Resnick, J., not participating.