

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

1:00 P.M.

WEDNESDAY

April 28, 1999

MERIT DOCKET

99-568. Raifsnyder v. Wilkerson.

In Habeas Corpus. *Sua sponte*, cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg
Stratton, JJ., concur.

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

99-86. State v. Dawson.

Madison App. No. CA98-04-021.

99-94. State v. Reeder.

Clinton App. No. CA97-12-013.

Douglas, J., would allow on Proposition of Law No. I.

Lundberg Stratton, J., would allow.

99-96. Whitehall v. Carter.

Franklin App. No. 98AP-167.

99-102. Bias v. Harrison.
Cuyahoga App. No. 74906.

99-123. In re Estate of Silka.
Lucas App. No. L-98-1057.
Douglas and Resnick, JJ., not participating.

99-129. Cincinnati v. Cripe.
Hamilton App. Nos. C-980061 and C-980062.

99-135. In re Covington/Graham Children.
Stark App. No. 1997CA00406.

99-140. State v. Johnson.
Scioto App. No. 98CA2576.

99-160. Kenison v. Kenison.
Franklin App. No. 98AP-205.
Douglas, J., dissents.

99-166. State v. Peeples.
Pickaway App. No. 98CA24.

99-191. State v. Johnson.
Hamilton App. No. C-980266. On motion for admission *pro hac vice*. Motion denied.

99-192. Walton v. Kneipp.
Hamilton App. No. C-980285.

99-196. Baker v. Starcic.
Cuyahoga App. No. 74591.

99-199. Ursetti v. Omlin.
Lake App. No. 97-L-287.

99-200. State v. Hastings.
Franklin App. No. 98AP-421.

99-210. Bond v. Bond.

Franklin App. Nos. 98AP-1043 and 98AP-356.

99-211. Lytle v. Lytle.

Franklin App. No. 98AP-355.

Douglas, J., dissents.

99-216. State v. McCrady.

Washington App. No. 97CA33.

99-228. State v. Shelton.

Franklin App. No. 98AP-394.

99-229. State v. Caldwell.

Franklin App. No. 98AP-165.

99-231. Blancett v. Nationwide Care, Inc.

Guernsey App. No. 98CA4. The discretionary appeal is denied.

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

On motion to strike. Motion denied.

Moyer, C.J., dissents.

99-234. Lamb v. Goodyear Tire & Rubber Co.

Summit App. No. 19039.

Douglas, J., dissents.

99-235. Pollock v. Brigano.

Warren App. No. CA97-12-124.

Moyer, C.J., and Cook, J., dissent.

99-247. State v. Trummer.

Columbiana App. No. 96CO97.

99-253. State v. Weaver.

Lake App. No. 97-L-209.

99-254. State ex rel. Livingston Court Apts. v. Columbus.

Franklin App. No. 98AP-158.

Moyer, C.J., dissents.

99-257. O’Driscoll v. Morris.
Summit App. No. 19043.

99-258. Becker v. McAninch.
Ross App. No. 98CA2450.

99-260. State v. Franklin.
Franklin App. No. 98AP-1438.

99-262. State v. Lundgren.
Lake App. No. 97-L-110.

99-263. State v. George.
Paulding App. No. 11-98-13.

99-264. State v. Beno.
Medina App. No. 2834-M.
Douglas, J., dissents.

99-289. Liggins v. Westminster Arms, Inc.
Franklin App. Nos. 98AP-377 and 98AP-378.

99-296. Hare v. Gibson.
Franklin App. No. 98AP-244.

99-300. State v. Snitzky.
Cuyahoga App. Nos. 74706 and 74811.

99-301. Roberts v. Warner.
Tuscarawas App. No. 98AP030070.
Douglas, J., dissents.

99-321. State v. Groce.
Cuyahoga App. No. 73890.
Pfeifer, J., dissents.

99-339. State v. Sladeck.
Hamilton App. Nos. C-980144 and C-980146.
Cook, J., dissents.

99-344. State v. Esway.
Stark App. No. 1998CA00251.

99-418. State v. Almurabitu.
Lorain App. No. 97CA006693.

MOTION DOCKET

98-2630. Wolfe v. Wolfe.
Montgomery App. No. 17111. *Sua sponte*, this cause is to be briefed and set for oral argument.

98-2669. Page v. Riley.
Montgomery App. No. 17377. On request for oral argument. Request denied.

98-2694. State ex rel. Bray v. Russell.
Warren App. No. CA98-06-068. On request for oral argument. Request granted.
Moyer, C.J., F.E. Sweeney and Cook, JJ., dissent.
Sua sponte, on motion to consolidate with 99-273, *Haddad v. Russell*.
Motion granted.
Moyer, C.J., and Cook, J., would dismiss 98-2694 as moot.
F.E. Sweeney, J., would deny the motion.

99-281. Tandon v. Tandon.
Jefferson App. No. 98JE41. On motion for stay of court of appeals' judgment.
Motion denied.
Douglas and Resnick, JJ., dissent.

99-513. State v. Howard.
Cuyahoga App. No. 75526. On motion for leave to file delayed appeal. Motion denied.
Moyer, C.J., and Pfeifer, J., dissent.

99-530. State v. Johnson.
Richland App. No. 98CA42. On motion for leave to file delayed appeal. Motion denied.
Pfeifer and Cook, JJ., dissent.

99-558. State v. Marbury.

Cuyahoga App. No. 74023. On motion for leave to file delayed appeal. Motion denied.

99-562. State v. Fortson.

Cuyahoga App. No. 72229. On motion for leave to file delayed appeal. Motion granted.

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

DISCRETIONARY APPEALS ALLOWED

98-497. State v. Pilgrim.

Pickaway App. Nos. 97CA2 and 97CA4. *Sua sponte*, cause held for the decision in 98-1612, *State v. Hughes*, Stark App. No. 97CA0356; briefing schedule stayed.

98-2531. Natl. City Bank v. Beyer.

Huron App. No. H-98-006. (Appeal of state of New Jersey and cross-appeal of Sophie M. and Elizabeth O. Beyer.) Appeal and cross-appeal allowed.

F.E. Sweeney, Pfeifer and Cook, JJ., dissent.

Peggy Bryant, J., of the Tenth Appellate District, sitting for Resnick, J.

99-85. Cicco v. Stockmaster.

Huron App. No. H-98-016. Discretionary appeal allowed on Propositions of Law Nos. I and II.

Douglas, Bryant and F.E. Sweeney, JJ., would allow all propositions of law.

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

Peggy Bryant, J., of the Tenth Appellate District, sitting for Resnick, J.

99-131. State v. Coley.

Lucas App. No. L-98-1109. *Sua sponte*, cause held for the decision in 98-1779, *State v. Conyers*, Lucas App. No. L-97-1327; briefing schedule stayed.

99-245. Schumacher v. Kreiner.

Hamilton App. No. C-980188. On discretionary appeal. Appeal allowed.

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

On motion for admission *pro hac vice*. Motion denied for failure to comply with S.Ct.Prac.R. I(2)(B).

Douglas and Pfeifer, JJ., dissent.

99-256. In re Civ. Serv. Charges Against Piper.

Montgomery App. No. 17185.

F.E. Sweeney and Cook, JJ., dissent.

DISCRETIONARY APPEALS NOT ALLOWED

99-156. State v. Robin.

Tuscarawas App. No. 98AP040084.

99-213. Rumberg v. Rumberg.

Mahoning App. No. 96CA156.

Moyer, C.J., and Pfeifer, J., dissent.

99-215. In re Adoption of Jane Doe.

Summit App. No. 19017. On discretionary appeal, motion to seal, and motion for admission *pro hac vice*. Appeal and motions denied.

Moyer, C.J., Douglas and Pfeifer, JJ., dissent.

99-218. Siouffi v. Siouffi.

Montgomery App. No. 17113.

Moyer, C.J., and Pfeifer, J., dissent.

99-242. Hacker v. Cincinnati.

Hamilton App. No. C-971006.

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

99-244. Tudor v. Cincinnati.

Hamilton App. No. C-980018.

Moyer, C.J., dissents.

99-246. Minnesota Mining & Mfg. Co. v. Ohio Dept. of Pub. Safety.

Franklin App. No. 98AP-1184. On motion for admission *pro hac vice*. Motion denied.

99-248. Banfill v. Ohio Bur. of Workers' Comp.

Montgomery App. No. 17294.

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

99-250. Huntington Natl. Bank v. Metzenbaum.

Cuyahoga App. No. 73723.

99-283. Yarnell v. Klema Bldgs., Inc.

Franklin App. No. 98AP-178.

Lundberg Stratton, J., dissents.

99-287. Synergy Mechanical Contrs. v. Kirk Williams Co., Inc.

Franklin App. No. 98AP-431.

Douglas, J., dissents.

Lundberg Stratton, J., not participating.

99-294. Copperweld Shelby Div. v. Seals.

Richland App. No. 98CA562.

Lundberg Stratton, J., dissents.

99-302. Maret v. CSX Transp., Inc.

Hamilton App. No. C-980221. On motion for admission *pro hac vice*. Motion denied.

99-307. Beck v. Beatti.

Hocking App. No. 98CA007.

Pfeifer, J., dissents.

99-329. Canty v. Affordable Chiropractic.

Cuyahoga App. No. 73763.

RECONSIDERATION DOCKET

97-1497. State v. Ashworth.

Licking C.P. No. 96CR356. Reported at 85 Ohio St.3d 56, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.