

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

1:00 P.M.

WEDNESDAY
March 1, 2000

MERIT DOCKET

99-1974. State ex rel. Fields v. State Emp. Relations Bd.

In Mandamus. On S.Ct.Prac.R. X(5) determination, cause dismissed.

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

99-2317. State ex rel. Norris v. Ghee.

In Mandamus. On motion to dismiss. Motion to dismiss sustained. Cause
dismissed.

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

00-20. State ex rel. Coleman v. Porter.

In Mandamus. On S.Ct.Prac.R. X(5) determination, cause dismissed.

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

00-122. Baron v. McFaul.

In Habeas Corpus. On petition for writ of habeas corpus by Ronald M. Baron, Sr.
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**

99-1495. State v. Brooks.

Cuyahoga App. No. 73729.

99-2140. Kreps v. Pesina.

Lucas App. No. L-99-1257.

99-2156. State v. Gears.

Lucas App. No. L-98-1422.

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

Resnick, J., not participating.

99-2171. State v. Mitchell.

Montgomery App. No. 17939.

99-2176. Stephenson v. Yellow Freight Sys., Inc.

Franklin App. No. 99AP-77.

Douglas and Resnick, JJ., dissent.

99-2177. State v. Smiley.

Cuyahoga App. No. 72026.

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

99-2179. In re Armijo.

Belmont App. No. 97BA7.

99-2180. State v. Nelson.

Clermont App. No. CA99-04-037.

99-2182. State v. Burns.

Franklin App. No. 99AP-323.

99-2183. Lesick v. MedGroup Mgt., Inc.

Hamilton App. Nos. C-990097 and C-990100.

Douglas, J., dissents.

99-2188. Dimario v. Aras.

Hamilton App. No. C-990107.

99-2192. State v. Davis.

Columbiana App. No. 96CO44.

Lundberg Stratton, J., dissents.

99-2199. Gertsma v. Berea.

Cuyahoga App. No. 74063.

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

99-2204. State v. Junkins.

Pickaway App. No. 99CA30.

99-2208. Sherrills v. Ohio Adult Parole Auth.

Franklin App. No. 96APD09-1245.

99-2207. State v. Spade.

Miami App. No. 98CA40.

Lundberg Stratton, J., would allow on Proposition of Law No. VI.

Moyer, C.J., would allow on Propositions of Law Nos. I, III, V, VI, and VII and hold the cause for the decision in 99-765, *State v. Suffecool*, Stark App. No. 1998CA00101.

99-2213. State v. Reynolds.

Miami App. No. 98CA45.

Lundberg Stratton, J., would allow on Proposition of Law No. VI.

Moyer, C.J., would allow on Propositions of Law Nos. I, III, V, VI, and VII and hold the cause for the decision in 99-765, *State v. Suffecool*, Stark App. No. 1998CA00101.

99-2214. State v. Anderson.

Miami App. No. 98CA44.

Lundberg Stratton, J., would allow on Proposition of Law No. VI.

Moyer, C.J., would allow on Propositions of Law Nos. I, III, V, VI, and VII and hold the cause for the decision in 99-765, *State v. Suffecool*, Stark App. No. 1998CA00101.

99-2222. Young v. Ohio Adult Parole Auth.

Franklin App. No. 99AP-677.

99-2223. State v. Johnson.

Licking App. No. 99CA26.

Moyer, C.J., and Cook, J., would allow on Proposition of Law No. III and hold the cause for the decision in 99-765, *State v. Suffecool*, Stark App. No. 1998CA00101.

99-2225. Lough v. Lough.

Licking App. No. 98CA00120.

99-2229. In re Jones.

Licking App. Nos. 99CA65, 99CA66, 99CA67, 99CA68 and 99CA69.

99-2230. State v. White.

Miami App. No. 98CA37.

Moyer, C.J., and Lundberg Stratton, J., would allow on Proposition of Law No. VI and hold the cause for the decision in 99-286, *State v. Williams*, Lake App. No. 97-L-191.

99-2231. State v. Bugh.

Carroll App. No. 714.

Moyer, C.J., and Cook, J., would allow on Proposition of Law No. VI and hold the cause for the decision in 99-286, *State v. Williams*, Lake App. No. 97-L-191.

99-2236. Kenney v. Henry Fisher Builder, Inc.

Hamilton App. No. C-990591.

99-2239. Brakora v. Haudenschild.

Hardin App. No. 6-99-03.

99-2242. State v. Cooper.

Cuyahoga App. No. 75282.

Resnick, J., not participating.

99-2247. State v. Manhart.
Summit App. Nos. 19069, 19070 and 19134.
Pfeifer, J., dissents.

99-2249. Hobbs v. Golding.
Clark App. No. 99CA6.

99-2253. State v. Waites.
Hamilton App. No. C-990654.

99-2254. Riley v. Clark.
Scioto App. No. 98CA2629.

99-2255. State v. Hayley.
Cuyahoga App. No. 74718.
Lundberg Stratton, J., dissents.

99-2256. Field v. Loder.
Cuyahoga App. No. 74887.

99-2259. State v. Castleberry.
Franklin App. No. 99AP-155.

99-2272. State v. Warner.
Delaware App. No. 98CA22A.

99-2273. State v. Ashworth.
Licking App. No. 99CA60.

99-2277. State v. Ford.
Hamilton App. No. C-980957.

99-2278. Parma v. Kline.
Cuyahoga App. Nos. 74617 and 74618.
Resnick, J., dissents.

99-2280. State v. Mullins.
Cuyahoga App. No. 74861.
Resnick, J., not participating.

99-2281. State v. Anderson.

Auglaize App. No. 2-99-15.

Moyer, C.J., and Cook, J., would allow and hold this cause for the decision in 99-286, *State v. Williams*, Lake App. No. 97-L-191.

99-2283. State v. Haddix.

Stark App. No. 1999CA00227.

99-2284. Stokes v. Hartzell Propeller, Inc.

Miami App. Nos. 98CA57 and 98CA60.

Douglas, J., dissents.

99-2288. Berry v. Przyborowski.

Montgomery App. No. 99CA21.

99-2295. Hassel v. Evendale.

Hamilton App. No. C-990292.

Douglas, J., dissents.

99-2307. Shockey v. Our Lady of Mercy/Mariemont Hosp. Health Care Sys.

Hamilton App. No. C-990182.

99-2320. Sirkin v. McBurrows.

Hamilton App. No. C-980968.

F.E. Sweeney, J., dissents.

00-10. State v. Eskridge.

Cuyahoga App. No. 73673.

00-18. Timmons v. Marketing Serv. by Vectra, Inc.

Franklin App. No. 99AP-272.

00-31. State v. Seibel.

Morgan App. No. CA9904.

Moyer, C.J., and Lundberg Stratton, J., would allow on Proposition of Law No. VI and hold this cause for the decision in 99-286, *State v. Williams*, Lake App. No. 97-L-191.

00-39. State v. Wilburn.

Lawrence App. No. 98CA47.

Lundberg Stratton, J., dissents.

00-52. State v. Prues.

Hamilton App. No. C-990143.

MOTION DOCKET

99-1582. Gahanna-Jefferson Pub. Schools Bd. of Edn. v. Franklin Cty. Bd. of Revision.

Board of Tax Appeals, No. 97-A-336. *Sua sponte*, cause consolidated with 99-1583, *Dublin City Schools Bd. of Edn. v. Franklin Cty. Bd. of Revision*, Board of Tax Appeals, No. 97-A-337; consolidated argument is limited to fifteen minutes per side.

99-1663. State ex rel. Middlesworth v. Regal Ware, Inc.

Franklin App. No. 98AP-1017. On motion to dismiss appeal by Francis Middlesworth. Motion denied.

99-2296. Bailey v. Republic Engineered Steels, Inc.

Stark App. No. 1999CA00084. On review of order certifying a conflict. The court determines that a conflict exists; the parties are to brief the issue stated in the court of appeals' Judgment Entry filed December 10, 1999, at page 2:

“Whether a psychiatric condition arising from compensable injury or occupational disease suffered by a third party is compensable under R.C. 4123.01(C)(1).”

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

The conflict case is *Neil v. Mayfield* (July 22, 1988), Montgomery App. No. 10881, unreported, 1988 WL 76179.

00-119. State v. Mollohan.

Washington App. No. 98CA13. On motion for leave to file delayed appeal. Motion denied.

00-156. State v. Wallace.

Hamilton App. No. C-980314. On motion for leave to file delayed appeal. Motion granted.

F.E. Sweeney, J., dissents.

00-164. State v. Prim.

Cuyahoga App. No. 74530. On motion for leave to file delayed appeal. Motion denied.

00-187. State v. Berry.

Franklin App. Nos. 97AP-964 and 98AP-256. On motion for leave to file delayed appeal. Motion denied.

00-189. State v. Stanley.

Greene App. No. 99CA37. On motion for leave to file delayed appeal. Motion denied.

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

00-211. State v. Garrett.

Cuyahoga App. No. 74759. On motion for leave to file delayed appeal. Motion denied.

Lundberg Stratton, J., dissents.

00-216. Northwestern Ohio Bldg. & Constr. Trades Council v. Conrad.

Franklin App. No. 98AP-1287. On motion for stay of court of appeals' judgment. Motion granted.

Douglas and Pfeifer, JJ., dissent.

DISCRETIONARY APPEALS ALLOWED

99-2027. Shartle v. Allstate Ins. Co.

Summit App. No. 19545. Discretionary appeal allowed and cause held for the decision in 99-219, 99-222, 99-223 and 99-224, *Karr v. Borchardt*, Seneca App. Nos. 13-98-33, 13-98-36, 13-98-35 and 13-98-34; 98-1124, *Clement v. Grange Mut. Cas. Co.*, Medina App. No. 2698-M; and 98-1185, *Simcox v. Westfield Cos.*, Medina App. No. 2697-M; briefing schedule stayed.

Resnick and Lundberg Stratton, JJ., dissent.

99-2084. State v. Saddler.

Cuyahoga App. No. 74218. On discretionary appeal. Appeal allowed.

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

On discretionary cross-appeal. Appeal denied.

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

99-2099. State v. Sullivan.

Montgomery App. No. 17509.

Moyer, C.J., F.E. Sweeney and Pfeifer, JJ., dissent.

99-2117. Miele v. Ribovich.

Cuyahoga App. No. 75489.

Moyer, C.J., F.E. Sweeney and Pfeifer, JJ., dissent.

99-2118. Meece v. State Farm Mut. Auto. Ins. Co.

Hamilton App. No. C-980739. Discretionary appeal allowed and cause held for the decision in 98-2630, *Wolfe v. Wolfe*, Montgomery App. No. 17111; briefing schedule stayed.

Lundberg Stratton, J., dissents.

99-2151. Alder v. Eli Lilly & Co.

Summit App. No. 19400.

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

99-2174. Bailey v. Republic Engineered Steels, Inc.

Stark App. No. 1999CA00084. Discretionary appeal allowed and cause consolidated with 99-2296, *Bailey v. Republic Engineered Steels, Inc.*, Stark App. No. 1999CA00084.

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

DISCRETIONARY APPEALS NOT ALLOWED

99-2184. Schwartz, Manes & Ruby, L.P.A. v. Krovocheck.

Hamilton App. No. C-990161.

F.E. Sweeney, J., dissents.

99-2185. Kucharski v. Kucharski.

Cuyahoga App. No. 75049.

Resnick, J., not participating.

99-2190. Crowe v. State Bd. of Edn.

Franklin App. No. 99AP-78.

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

99-2201. Craig v. Grange Ins. Co.

Montgomery App. No. 17675.

Resnick and Pfeifer, JJ., dissent.

99-2209. Stefanko v. Black.

Miami App. No. 99CA11.

99-2210. In re Infant Male Jackson.

Hamilton App. Nos. C-980077 and C-990008.

Resnick and Pfeifer, JJ., dissent.

99-2212. State v. Lott.

Ashtabula App. No. 98-A-0048.

99-2215. Francis v. Sonkin.

Cuyahoga App. No. 74869.

99-2217. Hurier v. Gumm.

Clermont App. No. CA99-01-005.

99-2226. State v. Pojancki.

Henry App. No. 7-99-6.

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

99-2243. State v. Hubbard.

Trumbull App. No. 97-T-0144.

99-2245. Thomas v. Shaevitz.

Franklin App. No. 98AP-1370.

99-2257. State v. Bryant.

Portage App. No. 98-P-0044.

99-2274. Snavely Co. v. Laurel Lake Retirement Co.

Cuyahoga App. No. 76331.

99-2275. Brown v. Moss.

Summit App. No. 19422.

Pfeifer, J., dissents.

99-2279. Equity Inns Partnership, L.P. v. Yun.

Cuyahoga App. No. 74160.

Resnick, J., not participating.

99-2282. Mettler-Toledo, Inc. v. Wysong & Miles Co.

Franklin App. No. 98AP-1462. On discretionary appeal and on motion for admission *pro hac vice* of Amiel J. Rossabi by Larry H. James. Appeal and motion denied.

Douglas, J., dissents.

99-2289. Chebib v. McGuillis.

Cuyahoga App. No. 76854.

99-2294. State v. Newman.

Columbiana App. No. 97CO13.

99-2322. The Spectrum Cos. v. Stamper.

Franklin App. No. 98AP-1567.

00-13. State v. Primous.

Hamilton App. No. C-990325.

00-97. McLendon v. McLendon.

Muskingum App. No. CT990003.

RECONSIDERATION DOCKET

97-2003. State v. Lindsey.

Brown C.P. Nos. 972015 and 972064. Reported at 87 Ohio St.3d 479, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

98-238. Pesek v. Univ. Neurologists Assn., Inc.

Cuyahoga App. No. 71637. Reported at 87 Ohio St.3d 495, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

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

99-159. Mossing v. State Farm Ins. Co.

Lucas App. No. L-98-1052. Reported at 87 Ohio St.3d 1240, ___ N.E.2d ___. On motion for reconsideration and on *amicus curiae* motion for leave to file under S.Ct.Prac.R. XI. Motions denied.

99-876. State ex rel. Cobb v. R.O. Wetz Transp. Co.

Franklin App. No. 98AP-103. Reported at 87 Ohio St.3d 452, ___ N.E.2d ____.
On motion for reconsideration. Motion denied.

Resnick, J., dissents.

99-1445. Crittenden Court Apts. Assoc. L.P. v. Cuyahoga Cty. Bd. of Revision.

Board of Tax Appeals, No. 98-A-356. Reported at 87 Ohio St.3d 1487, ___ N.E.2d ____.
On motion for reconsideration. Motion denied.

99-1932. State Auto. Mut. Ins. Co. v. Lopez.

Franklin App. No. 99AP-15. Reported at 87 Ohio St.3d 1494, ___ N.E.2d ____.
On motion for reconsideration. Motion denied.

Lundberg Stratton, J., dissents.

99-1954. Metro. Life Ins. Co. v. Tomchik.

Columbiana App. No. 98CO22. Reported at 87 Ohio St.3d 1491, ___ N.E.2d ____.
On motion for reconsideration. Motion denied.

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

99-2041. Sampson v. Norfolk S. Corp.

Hamilton App. No. C-980844. Reported at 87 Ohio St.3d 1492, ___ N.E.2d ____.
On motion for reconsideration. Motion denied.

DISCIPLINARY DOCKET

99-2233. Findlay/Hancock Cty. Bar Assn. v. Filkins.

On motion to take judicial notice of transcript of proceedings before the Hancock County Common Pleas Court on August 16, 1996. Motion granted.