

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

1:00 P.M.

WEDNESDAY
January 17, 2001

MERIT DOCKET

00-1494. PPG Industries, Inc. v. Zaino.

Board of Tax Appeals, No. 97-A-91. On joint motion to affirm decision and order of the Board of Tax Appeals. Motion granted.

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

00-1508. Payphone Assn. of Ohio v. Pub. Util. Comm.

Public Utilities Commission, No. 93-487-TP-ALT. On motion for leave to intervene by Ameritech Ohio. Motion granted.

Douglas and Resnick, JJ., would deny the motion as moot.

On motion to dismiss by Public Utilities Commission of Ohio. Motion granted and cause dismissed.

Pfeifer and Lundberg Stratton, JJ., dissent.

On motion for access to entire record including confidential document. Motion denied as moot.

Pfeifer and Lundberg Stratton, JJ., would grant access subject to confidentiality.

00-1673. State ex rel. Sherrills v. Ohio Adult Parole Auth.

Franklin App. No. 99AP-1295. 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.

00-1946. State ex rel. Dunning v. Cleary.

In Procedendo. On answer of respondent. 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.

00-1950. Springs v. Seventh Dist. Court of Appeals.

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.

00-1961. State ex rel. McGee v. McGough.

In Mandamus. On complaint in mandamus by Jerrye D. McGee. 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.

00-2067. State ex rel. Klein v. Ohio Parole Bd.

In Mandamus. On answer of respondent. 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.

00-2074. State ex rel. Tanner v. Hitchman.

In Procedendo. On answer of respondent. 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.

00-2114. State ex rel. Frieson v. Ohio Adult Parole Auth.

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.

00-2129. State ex rel. Cobler v. Ohio Adult Parole Auth.

In Habeas Corpus. On petition for writ of habeas corpus by Richard L. Cobler. *Sua sponte*, cause dismissed.

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

00-2221. Jefferson v. Haviland.

In Habeas Corpus. On petition for writ of habeas corpus by Sell Jefferson. *Sua sponte*, cause dismissed.

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

00-2233. Campbell v. Ganshiemer.

In Habeas Corpus. On petition for writ of habeas corpus by Anthony Campbell. *Sua sponte*, cause dismissed.

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

00-2269. State ex rel. Taylor v. Fedders.

In Habeas Corpus. On petition for writ of habeas corpus by David Taylor. *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**

00-1953. State v. Grimes.

Guernsey App. No. 98CA02.

00-1988. State v. Caudill.
Hancock App. No. 5-97-35.

00-2020. State v. Harding.
Franklin App. No. 90AP-770.

00-2199. State v. Mitchell.
Montgomery App. No. 17763.

MOTION DOCKET

99-1249. State v. Gross.
Muskingum C.P. No. CT96055. On *pro se* motion for removal of counsel and *pro se* motion to remand to court of appeals for appointment of new counsel. Motions denied.

99-1663. State ex rel. Middleworth v. Regal Ware, Inc.
Franklin App. No. 98AP-1017. On request for oral argument and motion to strike appellant's merit brief by Francis Middleworth. Request and motion denied; *sua sponte*, it is ordered that all proper papers be served within twenty days.

00-266. State v. Burnett.
Hamilton App. No. C-981003. On response to November 21, 2000 show cause order. This cause is not dismissed and will be set for oral argument.

00-507. Cincinnati Bell Tel. Co. v. Pub. Util. Comm.
Public Utilities Commission, No. 96-899-TP-ALT. On motion to seal portion of supplement. Motion granted.

00-977. Columbus Bar Assn. v. Bailey.
On motion for relief from judgment on order of October 13, 2000. Motion denied.
Lundberg Stratton, J., would also order sanctions.

00-1479. State v. Kole.
Lorain App. No. 98CA007116. On motion for appeal bond. Motion granted.
Resnick, F.E. Sweeney and Cook, JJ., dissent.

00-1502. Princeton City School Dist. Bd. of Edn. v. Zaino.

Board of Tax Appeals, No. 97-K-827. On motion to consolidate case with 00-1503, *Princeton City School Dist. Bd. of Edn. v. Zaino*, Board of Tax Appeals No. 97-K-828; 00-1504, *Princeton City School Dist. Bd. of Edn. v. Zaino*, Board of Tax Appeals No. 97-K-825; 00-1505, *Princeton City School Dist. Bd. of Edn. v. Zaino*, Board of Tax Appeals No. 97-K-826; 00-1506, *Princeton City School Dist. Bd. of Edn. v. Zaino*, Board of Tax Appeals No. 97-K-829; and 00-1507, *Princeton City School Dist. Bd. of Edn. v. Zaino*, Board of Tax Appeals No. 97-K-830. Motion granted.

00-2116. State v. Hayden.

Lake App. No. 99-L-037. On motion for leave to file delayed appeal. Motion granted.

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

00-2144. State v. Bailey.

Butler App. No. CA99-03-067. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

00-2145. Citizen Power, Inc. v. Pub. Util. Comm.

Public Utilities Commission, Nos. 99-1212-EL-ETP, 99-1213-EL-ATA and 99-1214-EL-AAM. On motion for admission *pro hac vice* of Harvey L. Reiter and Steven K. White by William M. Ondrey Gruber. Motion granted.

00-2159. In re Church.

Franklin App. No. 99AP-311. On motion for leave to file delayed appeal. Motion granted.

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

00-2160. State v. Spurlock.

Montgomery App. No. 17954. On motion for leave to file delayed appeal. Motion granted.

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

00-2166. State v. Vallejo.

Lucas App. No. L-98-1090. On motion for leave to file delayed appeal. Motion denied.

Resnick, J., not participating.

00-2182. State v. Brown.

Franklin App. No. 99AP-611. On motion for leave to file delayed appeal. Motion denied.

00-2185. State v. Evans.

Hamilton App. No. C-000640. On motion for leave to file delayed appeal. Motion denied.

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

00-2209. State v. Williamson.

Ross App. No. 99CA2473. On motion for leave to file delayed appeal. Motion denied.

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

00-2245. State v. Vega.

Summit App. No. 19696. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

00-2254. Bardes v. Todd.

Hamilton App. No. C-000055. On motion for stay of court of appeals' judgment entry. Motion denied.

00-2347. State v. Rogers.

Scioto App. Nos. 98CA2620 and 98CA2625. On motion for stay of court of appeals' judgment and/or sentence and continue bond pending appeal in this court. Motion denied.

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

DISCRETIONARY APPEALS ALLOWED

00-1705. Cincinnati v. Beretta U.S.A. Corp.

Hamilton App. Nos. C-990729, C-990814 and C-990815. On discretionary appeal. Appeal allowed.

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

On motion for admission *pro hac vice* of James P. Dorr and Sarah L. Olson by Robert A. McMahon. Motion granted.

On motion for admission *pro hac vice* of Harold Mayberry and Lawrence Greenwald et al. by Robert A. McMahon. Motion granted.

00-1706. Drum v. Washlock.

Cuyahoga App. Nos. 74816 and 74817. Discretionary appeal allowed; *sua sponte*, cause held for the decision in 00-472 and 00-481, *Johnson v. Greene Cty. Drug Task Force*, Greene App. No. 99CA61; briefing schedule stayed.

00-1725. Charvat v. Dispatch Consumer Serv., Inc.

Franklin App. No. 99AP-1368.

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

00-1744. Baltimore Ravens, Inc. v. Self-Insuring Emp. Evaluation Bd.

Franklin App. Nos. 99AP-1262 and 99AP-1263.

Resnick and Pfeifer, JJ., dissent.

00-1756. Pytlinski v. Brocar Products, Inc.

Hamilton App. No. C-000032.

00-1787. Ethel L. Pusey, Inc. v. Bator.

Mahoning App. No. 98CA55.

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

00-1788. Fulmer v. Insura Prop. & Cas. Ins. Co.

Seneca App. No. 13-99-65.

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

00-1917. Noe v. Smith.

Athens App. No. 00CA004.

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

RECONSIDERATION DOCKET

99-1898. Cincinnati Bar Assn. v. Spitz.

Reported at 89 Ohio St.3d 117, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

00-1483. Rust v. Harris-Gordon.

Lucas App. No. L-99-1287. Reported at 90 Ohio St.3d 1466, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

Resnick, J., not participating.

00-1537. Warrach v. Warrach.

Medina App. No. 3044-M. Reported at 90 Ohio St.3d 1467, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

00-1574. Hauser v. Cleveland Cuyahoga Cty. Port Auth.

Cuyahoga App. No. 77331. Reported at 90 Ohio St.3d 1472, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

00-1620. Greyson v. Hamilton Cty. Coroner's Office.

Hamilton App. No. C-000144. Reported at 90 Ohio St.3d 1468, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

00-1641. State v. Holsinger.

Fairfield App. No. 00CA06. Reported at 90 Ohio St.3d 1480, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

Moyer, C.J., not participating.