

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

December 18, 2002

MERIT DECISIONS WITH OPINIONS

2001-0642. State ex rel. Ohio AFL-CIO v. Ohio Bur. of Workers' Comp., 2002-Ohio-6717.

In Mandamus. Writ granted.

Douglas, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

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

Cook, J., dissents.

2001-0748 and 2001-0976. State ex rel. R.T.G., Inc. v. State, 2002-Ohio-6716.

Franklin App. No. 98AP-1015, 2001-Ohio-4267. Judgments affirmed in part and reversed in part, writ issued, and cause remanded.

F.E. Sweeney, Pfeifer and Lundberg Stratton, JJ., concur.

Resnick, J., concurs in syllabus and judgment.

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

Cook, J., dissents.

2001-0904. Hubbard v. Canton City School Bd. of Edn., 2002-Ohio-6718.

Stark App. No. 2000CA00313. Judgment affirmed in part, reversed in part, and cause remanded.

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

Resnick and Lundberg Stratton, JJ., concur in part and dissent in part.

2001-1253 and 2001-1266. Layne v. Ohio Adult Parole Auth., 2002-Ohio-6719.

Marion App. No. 9-2001-6, 2001-Ohio-2222. Judgments reversed and cause remanded.

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

2001-1443. Houston v. Wilkinson, 2002-Ohio-6719.

Allen App. No. 1-01-52, 2001-Ohio-2180. Judgment reversed and cause
remanded.

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

2001-1825. Lee v. Ohio Adult Parole Auth., 2002-Ohio-6719.

Montgomery App. No. 18833, 2001-Ohio-1466. Judgment affirmed.

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

2001-1912. In re Consol. Mtge. Satisfaction Cases, 2002-Ohio-6720.

Hamilton App. No. C-010137. Judgment reversed and cause remanded.

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

2002-0146. Gutmann v. Feldman, 2002-Ohio-6721.

Certified State Law Question, No. C-3-01-049. The certified question of state law
is answered. See opinion.

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

2002-1102. Disciplinary Counsel v. Connors, 2002-Ohio-6722.

On Certified Report by the Board of Commissioners on Grievances and Discipline
of the Supreme Court, No. 01-15.

John Joseph Connors Jr. is permanently disbarred.

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

2002-1131. Disciplinary Counsel v. Washington, 2002-Ohio-6723.

On Certified Report by the Board of Commissioners on Grievances and Discipline
of the Supreme Court, No. 01-61.

Dale Washington is indefinitely suspended from the practice of law.

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

2002-1138. Disciplinary Counsel v. McCully, 2002-Ohio-6724.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 01-56.

Joanne McCully is suspended from the practice of law for two years with one year stayed.

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

2002-1447. Disciplinary Counsel v. Zemba, 2002-Ohio-6725.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 01-94.

Karen K. Zemba is permanently disbarred.

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

2002-1462. Columbus Bar Assn. v. Moreland, 2002-Ohio-6726.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 00-06.

Jay M. Moreland is publicly reprimanded.

Douglas, Resnick, F.E. Sweeney, Pfeifer and Cook, JJ., concur.

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

2002-1463. Cincinnati Bar Assn. v. Forg, 2002-Ohio-6727.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 01-97.

E. Farran Forg is suspended from the practice of law for one year with six months stayed on condition.

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

2002-1464. Columbus Bar Assn. v. Smith, 2002-Ohio-6728.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 01-72.

Charles E. Smith is indefinitely suspended from the practice of law.

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

2002-1472. Disciplinary Counsel v. Miller, 2002-Ohio-6729.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 02-01.

Robin Renee Miller is suspended from the practice of law for six months, stayed.

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

MERIT DECISIONS WITHOUT OPINIONS

2002-1672. State ex rel. Smith v. Dickinson.

In Mandamus and Prohibition. On motion to dismiss of Max Rothal, John York, Patrick and Brian Armstead, and Bryan Jividen, motion for sanctions for frivolous action of Max Rothal, John York, Patrick and Brian Armstead, and Bryan Jividen, motion to dismiss of Perry Dickinson and motion for sanction and an award of attorney fees, and motion to strike motion to dismiss and motion for sanctions and award of attorney fees of Perry Dickinson. Motions to dismiss granted and motions for sanctions and for award of attorney fees granted.

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

2002-1683. Hudson v. Adams.

In Prohibition. On motion to dismiss and motion for stay of Summit County Court case No. CR 2002-092626-A pending a ruling on the writ of prohibition. Motion to dismiss sustained, and motion for stay denied. Cause dismissed.

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

2002-1726. State ex rel. Lutz v. McMonagle.

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.

2002-1773. State ex rel. Levering v. Stahr.

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.

2002-1793. State ex rel. Nichols v. O'Brien.

In Prohibition. On complaint in prohibition of Beau Nichols. 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.

2002-1801. State ex rel. Brown v. McAllister.

In Prohibition. 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.

2002-1814. State ex rel. Brown v. Cuyahoga Cty. Common Pleas Court.

In Prohibition. 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.

2002-1895. State ex rel. Prunty v. Mengel.

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.

MOTION AND PROCEDURAL RULINGS

2002-0585. Klein v. Leis.

Hamilton App. Nos. C-020012, C-020013, C-020015 and C-020021, 146 Ohio App.3d 519, 2002-Ohio-1634. On motion for admission pro hac vice of A. Pemberton et al. by J. Saulino for the Violence Policy Center et al. Motion granted.

2002-1494. State ex rel. Talley v. Gorman.

Montgomery App. No. 19172. On motion for stay of proceedings. Motion denied.

2002-1645. State v. Smith.

Cuyahoga App. No. 80434, 2002-Ohio-4091. On review of order certifying a conflict. The court determines that a conflict exists; cause consolidated with 2002-1582, *State v. Smith*, Cuyahoga App. No. 80434, 2002-Ohio-4091; causes held for the decision in *State v. Fisher*, Franklin App. No. 01AP-614, 2001-Ohio-8772; and briefing schedule stayed.

F.E. Sweeney, J., dissents.

2002-1723. State v. Newman.

Summit App. No. 20981, 2002-Ohio-4250. On review of order certifying a conflict. The court determines that a conflict exists; the parties are to brief the issue stated at pages 1-2 of the court of appeals' Journal Entry filed September 17, 2002:

"When a trial court sentences an individual to a maximum sentence, must the trial court make the requisite findings and state its reasons solely from the bench at the sentencing hearing or is it sufficient for the trial court to make the requisite findings and state its reasons in the sentencing journal entry?"

Moyer, C.J., concurs and would hold this cause for the decision in *State v. Comer*, Lucas App. No. L-99-1296, 2002-Ohio-233.

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

Sua sponte, cause consolidated with 2002-1722, *State v. Newman*, Summit App. No. 20981, 2002-Ohio-4250.

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

The conflict case is *State v. Williams* (2000), 136 Ohio App.3d 570, 737 N.E.2d 139.

2002-1831. State v. Kaplowitz.

Lake App. No. 2001-L-025, 2002-Ohio-4217. 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 October 10, 2002, at page 2:

"In his motion, Kaplowitz asks this court to certify to the Supreme Court the case of *State v. Kaplowitz*, 11th Dist. No. 2001-L-025, 2002-Ohio-4217, 2002 Ohio App. LEXIS 4379, as being in conflict with the Fifth District Court of Appeals holding in *State v. Kinder* (2000), 140 Ohio App.3d 235 [746 N.E.2d 1205]. In *Kaplowitz*, this court recognized the conflict with the Fifth District's decision in *Kinder* concerning R.C. 2908.08. At issue is which version applies—the version in effect at the time of the offense or the current version, effective prior to the institution of sentencing by the trial court—*when* application of the newer statute would change the offense from the offense indicted and to which the defendant

pled. Therefore, we find that a conflict of law exists. The motion to certify is granted.” (Emphasis sic.)

Resnick, J., dissents, noting that the certification is improper.

F.E. Sweeney, J., dissents.

2002-1885. State v. Beckett.

Tuscarawas App. No. 2001AP010002, 2001-Ohio-1793. On motion for leave to file delayed appeal and on motion to dismiss. Motion for leave to file delayed appeal denied.

Cook, J., concurs and notes that the motion to dismiss is moot.

2002-1905. State v. Moore.

Franklin App. No. 01AP-713. On motion for leave to file delayed appeal. Motion granted.

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

2002-1978. State v. Brandt.

Tuscarawas App. No. 2002AP020008, 2002-Ohio-5474. On motion for stay of court of appeals’ judgment. Motion denied.

Moyer, C.J., dissents.

APPEALS ACCEPTED FOR REVIEW

2002-1442. State v. Urbin.

Lorain App. No. 01CA007846, 2002-Ohio-3410.

Cook and Lundberg Stratton, JJ., dissent.

2002-1505. Heiney v. The Hartford.

Franklin App. No. 01AP-1100, 2002-Ohio-3718.

Cook, J., would allow and would hold this cause for the decision in 2001-1843, *Ferrando v. Auto-Owners Mut. Ins. Co.*, Ashtabula App. No. 2000-A-0038.

Resnick and Lundberg Stratton, JJ., dissent.

2002-1582. State v. Smith.

Cuyahoga App. No. 80434, 2002-Ohio-4091. Discretionary appeal allowed; cause consolidated with 2002-1645, *State v. Smith*, Cuyahoga App. No. 80434, 2002-Ohio-4091; causes held for the decision in 2002-0201, *State v. Fisher*, Franklin App. No. 01AP-614, 2001-Ohio-8772; and briefing schedule stayed.

F.E. Sweeney, J., dissents.

2002-1722. State v. Newman.

Summit App. No. 20981, 2002-Ohio-4250. Discretionary appeal allowed and cause consolidated with 2002-1723, *State v. Newman*, Summit App. No. 20981, 2002-Ohio-4250.

Moyer, C.J., concurs and would hold the causes for the decision in 2002-0351 and 2002-0422, *State v. Comer*, Lucas App. No. L-99-1296, 2002-Ohio-233.

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

APPEALS NOT ACCEPTED FOR REVIEW

2002-1248. State v. Miller.

Cuyahoga App. No. 79949, 2002-Ohio-2257.

2002-1259. Neff Motivation, Inc. v. LaGrou.

Darke App. No. 01CA1560, 2002-Ohio-2788. On discretionary appeal and motion for admission pro hac vice of Sara E. Miller by Jeffrey M. Silverstein. Appeal not accepted and motion denied.

2002-1497. State v. Williams.

Allen App. No. 1-01-63, 2002-Ohio-3623.

2002-1500. Kest v. Appelhans.

Lucas App. No. L-02-1016, 2002-Ohio-2826.

2002-1509. State v. Ushery.

Hamilton App. No. C-010613, 2002-Ohio-3673.

2002-1513. State v. Pickering.

Allen App. No. 1-02-12, 2002-Ohio-3630.

2002-1514. State v. Pickering.

Allen App. No. 1-02-12, 2002-Ohio-3630.

2002-1515. Haley v. Wilson.

Summit App. No. 20967, 2002-Ohio-3987. On discretionary appeal and motion for sanctions for frivolous action. Appeal not accepted and motion for sanctions for frivolous action granted.

Resnick, Pfeifer and Cook, JJ., dissent in part because they would deny the motion for sanctions.

2002-1519. Monfort Supply Co. v. Hamilton Cty. Bd. of Zoning Appeals.
Hamilton App. No. C-010228.

2002-1521. State v. McJunkins.
Cuyahoga App. No. 81495.

2002-1523. Taylor v. Meridia Huron Hosp.
Cuyahoga App. No. 80121, 2002-Ohio-3449.
Resnick and Pfeifer, JJ., dissent.

2002-1529. State v. Troutman.
Lorain App. No. 02CA008025.

2002-1531. Chance v. Malvern.
Carroll App. No. 01AP0765, 2002-Ohio-3850.

2002-1532. State v. Witlicki.
Lake App. No. 2000-L-151, 2002-Ohio-3709.

2002-1534. Estate of Orth v. Inman.
Franklin App. No. 99AP-504, 2002-Ohio-3728.

2002-1537. Walters v. Middletown Properties Co.
Butler App. No. CA2001-10-249, 2002-Ohio-3730.
F.E. Sweeney, J., dissents.

Cook, J., dissents, would allow the appeal, and would hold this cause for the decision in 2002-0367, *Armstrong v. Best Buy Co.*, Lorain App. No. 01CA007848, 2001-Ohio-1934.

2002-1538. Gertz v. Nerone & Sons, Inc.
Cuyahoga App. No. 80422, 2002-Ohio-3782.
Douglas, F.E. Sweeney and Pfeifer, JJ., dissent.

2002-1539. State v. Sandlin.
Montgomery App. No. 19342.

2002-1541. Shreve v. United Elec. & Constr. Co.
Ross App. No. 01CA2626, 2002-Ohio-3761.
Douglas and F.E. Sweeney, JJ., dissent.

2002-1543. State v. Madden.

Franklin App. No. 01AP-1470, 2002-Ohio-3722.

2002-1545. Campobasso v. Smolko.

Medina App. No. 3259-M, 2002-Ohio-3736.

Pfeifer, J., dissents.

2002-1546. 501(C) Charity Consultants, Inc. v. Alexander.

Summit App. No. 20881, 2002-Ohio-3732.

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

2002-1548. State v. Simpson.

Franklin App. No. 01AP-757, 2002-Ohio-3717.

2002-1555. State v. Haamid.

Cuyahoga App. Nos. 80161 and 80248, 2002-Ohio-3243.

Pfeifer, J., dissents.

2002-1556. State v. Sullen.

Hamilton App. No. C-010781.

2002-1561. State v. Williams.

Franklin App. No. 01AP-1088, 2002-Ohio-3777.

Cook, J., dissents.

2002-1562. State v. Cherry.

Summit App. No. 20771, 2002-Ohio-3738.

2002-1563. Sylvania Twp. Bd. of Trustees v. Lucas Cty. Bd. of Commrs.

Lucas App. No. L-01-1447, 2002-Ohio-3815. On discretionary appeal and motion to consolidate case with 2002-1485, *Sylvania v. Ralston*, Lucas App. No. L-01-1448, 2002-Ohio-3575. Appeal not accepted and motion denied.

Douglas, J., dissents.

Resnick, J., not participating.

2002-1565. In re Bailey.

Hamilton App. Nos. C-010015 and C-010186, 2002-Ohio-3801.

2002-1566. State v. Piggott.

Montgomery App. No. 18962, 2002-Ohio-3810.

2002-1567. State v. Hernon.

Medina App. Nos. 3262-M and 3267-M, 2002-Ohio-3741.

Lundberg Stratton, J., dissents.

2002-1569. In re Tomecko.

Lorain App. No. 02CA007981, 2002-Ohio-3749.

Cook and Lundberg, JJ., dissent.

2002-1572. State v. Roberson.

Stark App. No. 2002CA00156, 2002-Ohio-4272.

2002-1573. Ram v. Cleveland Clinic Found.

Cuyahoga App. No. 80447, 2002-Ohio-3644.

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

2002-1576. In re Idom.

Cuyahoga App. No. 79639, 2002-Ohio-3632.

Lundberg Stratton, J., dissents.

2002-1583. State v. Ogletree.

Cuyahoga App. No. 79882, 2002-Ohio-4070.

2002-1584. Moebius v. Gen. Motors Corp.

Montgomery App. No. 19147, 2002-Ohio-3918.

2002-1586. Zelenak v. Indus. Comm.

Franklin App. No. 01AP-1310, 2002-Ohio-3887.

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

2002-1587. Sipple v. A.G. Edwards & Son, Inc.

Hamilton App. No. C-010701, 2002-Ohio-4342.

2002-1588. Ohio Civ. Rights Comm. v. Waterford at Portage Trail.

Summit App. No. 21063.

2002-1590. Ross v. Schwegel.

Cuyahoga App. No. 80183, 2002-Ohio-3772.

2002-1591. Smith v. Carter.

Hamilton App. No. C-020074.

2002-1592. Kissinger v. Eckman.

Summit App. No. 21127.

2002-1593. Seminatore v. Climaco, Climaco, Seminatore, Lefkowitz & Garofoli, Gen. Partnership.

Cuyahoga App. No. 78931, 148 Ohio App.3d 613, 2002-Ohio-3892.

2002-1594. DeVore v. Richmond.

Wood App. No. WD-01-044, 2002-Ohio-3965.

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

2002-1597. Police & Firemen's Disability & Pension Fund v. Redding.

Franklin App. No. 01AP-1303, 2002-Ohio-3891.

2002-1600. State v. Goins.

Butler App. No. CA2002-06-158.

2002-1601. State v. Haynes.

Franklin App. No. 01AP-430, 2002-Ohio-4389.

2002-1605. State v. Bridges.

Cuyahoga App. No. 80171, 2002-Ohio-3771.

2002-1607. State v. DeRose.

Lake App. No. 2000-L-076, 2002-Ohio-4357.

2002-1608. State v. Gipson.

Warren App. No. CA2001-11-103, 2002-Ohio-4128.

2002-1611. State v. Kramer.

Mahoning App. No. 01CA107, 2002-Ohio-4176.

2002-1612. State v. McKay.

Ashtabula App. No. 2001-A-0008, 2002-Ohio-3960.

2002-1614. State v. Bryant.

Stark App. No. 2001CA00304, 2002-Ohio-4067.

2002-1617. Morgenstern v. Cincinnati Ins. Co.

Delaware App. No. 01CAE12065, 2002-Ohio-4049.

Moyer, C.J., and Lundberg Stratton, J., dissent, would allow on Proposition of Law No. I and hold for the decision in 2001-1709, *Kemper v. Michigan Millers Mut. Ins. Co.*, Certified Question of State Law No. 3-00-CV-07799, and would allow on Proposition of Law No. II and hold for the decision in 2002-0579, *Burkhart v. CNA Ins. Co.*, Stark App. No. 2001CA00265, 2002-Ohio-903.

Cook, J., not participating.

2002-1618. Kocijan v. S & N, Inc.

Cuyahoga App. No. 80414, 2002-Ohio-3775.

2002-1619. Child Care Provider Certification Dept. v. Harris.

Cuyahoga App. No. 80669, 2002-Ohio-3795.

2002-1621. State v. Tyler.

Franklin App. No. 01AP-1055, 2002-Ohio-4300.

Lundberg Stratton, J., dissents.

2002-1624. Dalton v. Wilson.

Franklin App. No. 01AP-1014, 2002-Ohio-4015.

Moyer, C.J., dissents, would allow on Proposition of Law No. II, and would hold for the decision in 2001-1709, *Kemper v. Michigan Millers Mut. Ins. Co.*, Certified Question of State Law No. 3-00-CV-07799.

Cook, J., dissents, would allow, and would hold for the decision in 2002-0803 and 2002-0837, *German v. Therm-O-Disc., Inc.*, Richland App. No. 01CA512, 2002-Ohio-1848.

Lundberg Stratton, J., dissents and would allow.

2002-1634. State v. George.

Richland App. No. 01CA1002, 2002-Ohio-4205.

Douglas, J., dissents.

2002-1635. State v. Terry.

Hamilton App. No. C-020109.

2002-1636. Cosic v. Singh.

Cuyahoga App. No. 80366, 2002-Ohio-4085.

2002-1638. Isquick v. Dale Adams Ent., Inc.

Summit App. No. 20839, 2002-Ohio-3988.

2002-1641. Good v. Krohn.

Allen App. No. 1-02-18, 2002-Ohio-4001.
Lundberg Stratton, J., dissents.

2002-1653. Hawk v. Hawk.

Tuscarawas App. No. 2002AP040024, 2002-Ohio-4384.

2002-1655. State v. Gholston.

Hamilton App. No. C-010104.

2002-1657. State v. O'Connor.

Butler App. No. CA2001-08-195, 2002-Ohio-4122.
Pfeifer and Cook, JJ., dissent.

2002-1660. State v. Featherkile.

Hamilton App. Nos. C-000006 and C-000047.

2002-1687. State v. Daniels.

Hamilton App. No. C-010070, 2001-Ohio-8749.

2002-1698. Lakewood v. Simpson.

Cuyahoga App. No. 80383, 2002-Ohio-4086.
Resnick and F.E. Sweeney, JJ., dissent.

2002-1707. State v. Revels.

Butler App. No. CA2001-09-223, 2002-Ohio-4231.

2002-1714. State v. Foster.

Trumbull App. No. 2000-T-0033, 2001-Ohio-8806.

2002-1721. Moore v. Pro-Team Corvette Sales, Inc.

Henry App. No. 7-02-04, 2002-Ohio-4233.
Moyer, C.J., dissents.

2002-1731. State v. Ramos.

Franklin App. Nos. 02AP-722, 02AP-724 and 02AP-726.

RECONSIDERATION OF PRIOR DECISIONS

1998-2061. State v. Franklin.

Montgomery C.P. No. 97CR1139. Reported at 97 Ohio St.3d 1, 2002-Ohio-5304, 776 N.E.2d 26. On motion for reconsideration. Motion denied.

Resnick, J., dissents.

1999-1249. State v. Gross.

Muskingum App. No. CT96-055. Reported at 97 Ohio St.3d 121, 2002-Ohio-5524, 776 N.E.2d 1061. On pro-se motion for reconsideration and motion for reconsideration. Motions denied.

Resnick and Lundberg Stratton, JJ., dissent in part because they would grant the state's motion for reconsideration.

2001-0237. State ex rel. Thomas v. Indus. Comm.

Franklin App. No. 00AP-289. Reported at 97 Ohio St.3d 37, 2002-Ohio-5306, 776 N.E.2d 62. On motion for reconsideration. Motion denied.

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

2001-0458. State ex rel. M. Weingold Co. v. Indus. Comm.

Franklin App. No. 00AP-317. Reported at 97 Ohio St.3d 44, 2002-Ohio-5353, 776 N.E.2d 69. On motion for reconsideration and correction and motion for reconsideration. Motions granted to the following extent:

In ¶5, "October 1998" is changed to "October 1999";

In ¶7, "October 20, 1998" is changed to "October 20, 1999"; and

In ¶13, "October 1, 1998" is changed to "October 1, 1999 * * *."

The opinion remains unchanged in all other respects.

2001-1942. State ex rel. Schlosser v. Indus. Comm.

Franklin App. No. 01AP-47. Reported at 97 Ohio St.3d 82, 2002-Ohio-5443, 776 N.E.2d 476. On motion for reconsideration of Famous Enterprises, Inc. Motion denied.

2002-0921. Lawyers Title Ins. Corp. v. Midwest Title Agency, Inc.

Delaware App. Nos. 01CAE10046 and 01CAE11059, 2002-Ohio-2511. Reported at 96 Ohio St.3d 1493, 2002-Ohio-4534, 774 N.E.2d 766.

On motion for reconsideration. Motion granted, discretionary appeal allowed, and briefing on the merits to proceed.

Resnick and Pfeifer, JJ., dissent.

2002-1341. Ferrone v. Kovack.

Medina App. No. 3279-M, 2002-Ohio-3625. Reported at 97 Ohio St.3d 1422, 2002-Ohio-5820, 777 N.E.2d 276. On motion for reconsideration. Motion denied.
Lundberg Stratton, J., dissents.

2002-1342. State v. Zerla.

Franklin App. Nos. 01AP-1010, 01AP-1215 and 01AP-701. Reported at 97 Ohio St.3d 1422, 2002-Ohio-5820, 777 N.E.2d 276. On motion for reconsideration. Motion denied.

Lundberg Stratton, J., not participating.

2002-1445. State ex rel. Savage v. O'Connor.

In Mandamus. Reported at 97 Ohio St.3d 1410, 2002-Ohio-5601, 777 N.E.2d 267. On motion for reconsideration. Motion denied.

2002-1491. State ex rel. Grigsby v. Court of Appeals.

In Mandamus and Procedendo. Reported at 97 Ohio St.3d 1410, 2002-Ohio-5601, 777 N.E.2d 267. On motion for reconsideration. Motion denied.