

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

April 18, 2007

[Cite as *04/18/2007 Case Announcements, 2007-Ohio-1722.*]

MERIT DECISIONS WITH OPINIONS

2006-0015. State v. Brooke, 2007-Ohio-1533.

Lake App. No. 2004-L-088, 165 Ohio App.3d 409, 2005-Ohio-6161. Judgment affirmed in part and reversed in part, and cause remanded.

Moyer, C.J., Pfeifer, Lundberg Stratton, O'Connor and Lanzinger, JJ., concur.

Slaby and O'Donnell, JJ., concur in judgment only.

Lynn C. Slaby, J., of the Ninth Appellate District, was assigned to sit for Resnick, J., whose term ended on January 1, 2007.

Cupp, J., whose term began on January 2, 2007, did not participate in the consideration or decision of this case.

2006-0236. State v. Parker, 2007-Ohio-1534.

Ashtabula App. No. 2004-A-004, 2005-Ohio-6908. Judgment affirmed.

Moyer, C.J., French, Pfeifer, O'Connor and Lanzinger, JJ., concur.

Lundberg Stratton and O'Donnell, JJ., dissent.

Judith L. French, J., of the Tenth Appellate District, was assigned to sit for Resnick, J., whose term ended on January 1, 2007.

Cupp, J., whose term began on January 2, 2007, did not participate in the consideration or decision of this case.

2006-1190. Disciplinary Counsel v. Simonelli, 2007-Ohio-1535.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 04-072. Mark Michael Simonelli, Attorney Registration No. 0065965, is suspended from the practice of law in Ohio for one year, with six months stayed on conditions.

Moyer, C.J., Petree, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

Charles R. Petree, J., of the Tenth Appellate District, was assigned to sit for Resnick, J., whose term ended on January 1, 2007.

Cupp, J., whose term began on January 2, 2007, did not participate in the consideration or decision of this case.

2006-1902. Cleveland Bar Assn. v. Douglas, 2007-Ohio-1536.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 06-001. Mark A. Douglas, Attorney Registration No. 0073436, is indefinitely suspended from the practice of law in Ohio.

Moyer, C.J., Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

Cupp, J., not participating.

MERIT DECISIONS WITHOUT OPINIONS

2006-2319. State ex rel. May v. Akron Bd. of Edn.

In Mandamus. On respondent's motion to dismiss and relator's motion to amend complaint. Motion to amend complaint granted. Treating the complaint as having been so amended, the motion to dismiss is granted. Cause dismissed.

Moyer, C.J., Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger and Cupp, JJ., concur.

2007-0065. State ex rel. Baumgartner v. Court of Appeals, Sixth Appellate Dist.

In Mandamus and Procedendo. On respondent's answer and motion for judgment on the pleadings. Motion for judgment on the pleadings granted. Cause dismissed.

Moyer, C.J., Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Cupp, JJ., concur.

Lanzinger, J., not participating.

2007-0086. State ex rel. Duhart v. Neumeister.

In Mandamus. On respondent's motion to dismiss and relator's motion for leave to amend complaint. Motion for leave to amend complaint denied. Motion to dismiss granted. Cause dismissed.

Moyer, C.J., Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger and Cupp, JJ., concur.

2007-0222. State ex rel. Carter v. Spicer.

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

Moyer, C.J., Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger and Cupp, JJ., concur.

2007-0234. State ex rel. Fontanella v. Durkin.

In Prohibition. On answer of respondent. On S.Ct.Prac.R. X(5) determination, cause dismissed.

Moyer, C.J., Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger and Cupp, JJ., concur.

2007-0351. Yost v. Brunsman.

In Habeas Corpus. On petition for writ of habeas corpus of Donald Yost. Sua sponte, cause dismissed.

Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger and Cupp, JJ., concur.

Moyer, C.J., dissents and would grant an alternative writ.

2007-0361. Burke v. Jeffreys.

In Habeas Corpus. On petition for writ of habeas corpus of Adrian J. Burke. Sua sponte, cause dismissed.

Moyer, C.J., Lundberg Stratton, O'Connor, O'Donnell, Lanzinger and Cupp, JJ., concur.

Pfeifer, J., dissents and would grant the writ.

2007-0374. State ex rel. Hatfield v. Fais.

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

Moyer, C.J., Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger and Cupp, JJ., concur.

2007-0392. Cruzado v. Hudson.

In Habeas Corpus. On petition for writ of habeas corpus of Brandon Cruzado. Sua sponte, cause dismissed.

Moyer, C.J., Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger and Cupp, JJ., concur.

MOTION AND PROCEDURAL RULINGS

2004-0485. State v. Ketterer.

Butler C.P. No. CR2003-03-0309. On application for reopening under S.Ct.Prac.R. XI(6). Application granted with respect to Proposition of Law No. VI – whether appellate counsel was ineffective by failing to challenge the appellant’s noncapital sentences as a violation of *Blakely v. Washington* (2004), 542 U.S. 296, and *State v. Foster*, 109 Ohio St.3d 1, 2006-Ohio-856, 845 N.E.2d 470. Judgment vacated as to the noncapital sentences only. In accordance with S.Ct.Prac.R. XI(6)(I), cause remanded to the trial court for resentencing on the noncapital offenses in accordance with *State v. Foster*, 109 Ohio St.3d 1, 2006-Ohio-856, 845 N.E.2d 470.

Lanzinger, J., dissents.

2004-0586. State v. Drummond.

Mahoning C.P. No. 03-CR-358. On application for reopening under S.Ct.Prac.R. XI(6). Application denied.

2005-1789. State ex rel. John Q. Public v. Etna Twp. Bd. of Trustees.

In Mandamus. On respondent’s motion to enforce settlement agreement and request for evidentiary hearing. Motion and request denied.

2006-1174. United Tel. Credit Union, Inc. v. Roberts.

Franklin App. Nos. 05AP-827 and 05AP-870, 2006-Ohio-2198. On motion for leave to intervene of The Law Offices of Squire & Pierre-Louis, LLC. Motion denied.

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

2006-1619. Flynn v. Westfield Ins. Co.

Hamilton App. No. C-050909, 168 Ohio App.3d 94, 2006-Ohio-3719. On motion to dismiss cross-appeal. Motion denied.

Pfeifer, J., dissents.

2006-2263. State ex rel. Am. Legion Post 25 v. Ohio Civ. Rights Comm.

Fayette App. No. CA2006-01-006. On appellant’s motion for stay of court of appeals decision and appellee’s motion to dismiss the appeal. Motion for stay granted. Motion to dismiss the appeal denied.

Pfeifer, J., would deny the motion for stay.

2007-0313. State v. Gillingham.

Montgomery App. No. 20671, 2006-Ohio-5758. On motion for leave to file delayed appeal. Motion granted.

O’Connor, O’Donnell and Lanzinger, JJ., dissent.

2007-0315. State v. Applegarth.

Knox App. No. 05CA44. On motion for leave to file delayed appeal. Motion denied.

2007-0340. State v. Johnson.

Hamilton App. No. C-050625. On motion for leave to file delayed appeal. Motion denied.

Cupp, J., dissents.

2007-0342. State v. Carter.

Cuyahoga App. No. 87705, 2006-Ohio-6427. On motion for leave to file delayed appeal. Motion granted.

O'Connor, J., dissents.

2007-0355. State v. Darrington.

Franklin App. No. 06AP-160. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Cupp, JJ., dissent.

2007-0368. State v. Deir.

Lake App. No. 2005-L-117, 2006-Ohio-6885. On motion for leave to file delayed appeal. Motion denied.

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

2007-0415. Ackison v. Anchor Packing Co.

Lawrence App. No. 05CA46, 2006-Ohio-7099. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 2 of the court of appeals' Entry filed February 28, 2007:

“Can R.C. 2307.91, 2307.92, and 2307.93 be applied to cases already pending on September 2, 2004?”

Lanzinger, J., would recognize the conflict but hold the cause for the decision in 2006-1025, *Norfolk S. Ry. Co. v. Nogle*, Cuyahoga App. No. 86339, 2006-Ohio-1540.

Cupp, J., would recognize the conflict but hold the cause for the decision in 2006-1279, *In re Special Docket No. 73958*, Cuyahoga App. Nos. 87777 and 87816.

The conflict cases are *Wilson v. AC & S, Inc.*, Butler App. No. CA2006-03-056, 2006-Ohio-6704, *Staley v. AC & S, Inc.*, Butler App. No. CA2006-06-133,

2006-Ohio-7033, and *Stahlheber v. Du Quebec, LTEE*, Butler App. No. CA2006-06-134, 2006-Ohio-7034.

Sua sponte, cause consolidated with 2007-0219, *Ackison v. Anchor Packing Co.*, Lawrence App. No. 05CA46, 2006-Ohio-7099.

2007-0391. Columbus v. Kim.

Franklin App. No. 05AP-1334, 2006-Ohio-6985. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 3 of the court of appeals' Memorandum Decision filed February 22, 2007:

“Whether an ordinance that prohibits a person from keeping or harboring an animal which 'howls barks, or emits audible sounds that are unreasonably loud or disturbing which are of such character, intensity, and duration as to disturb the peace and quiet of the neighborhood or to be detrimental to the life and health of any individual' is unconstitutionally vague on its face and as applied.”

Pfeifer and O'Donnell, JJ., dissent.

The conflict case is *State v. Ferraiolo* (2000), 140 Ohio App.3d 585, 748 N.E.2d 584.

2007-0369. In re Guardianship of Estate of Boyer.

Franklin App. No. 06AP-1185. On motion for stay of court of appeals' judgment. Motion denied.

2007-0408. State v. Martin.

Hamilton App. No. C-050584, 2006-Ohio-5263. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

APPEALS ACCEPTED FOR REVIEW

2006-2406. Thompson v. Hayes.

Franklin App. No. 05AP-476, 2006-Ohio-6000. The discretionary appeal is accepted on Proposition of Law No. IV.

Moyer, C.J., and Cupp, J., would also accept the appeal on Proposition of Law No. III.

Lundberg Stratton, J., would also accept the appeal on Propositions of Law Nos. I, II, and III.

Pfeifer, O'Connor and O'Donnell, JJ., dissent.

The discretionary cross-appeal is not accepted.

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

Motion of appellees/cross-appellants to strike portions of memorandum in response of Ohio Department of Job and Family Services is denied as moot.

2007-0020. State v. Anderson.

Franklin App. No. 06AP-174, 2006-Ohio-6152. Discretionary appeal accepted on Propositions of Law Nos. I and III; cause held for the decision in 2006-1245 and 2006-1383, *State v. Payne*, Franklin App. No. 05AP-517, 2006-Ohio-2552; and briefing schedule stayed.

Lanzinger, J., would accept the appeal on Proposition of Law No. I only.
Pfeifer, J., dissents.

2007-0056. O'Toole v. Denihan.

Cuyahoga App. No. 87476, 2006-Ohio-6022. Discretionary appeal of appellant George-Munro is accepted on Proposition of Law No. II.

Lundberg Stratton, O'Connor and Cupp, JJ., would also accept the appeal on Proposition of Law No. I.

Moyer, C.J., Pfeifer and O'Donnell, JJ., dissent.

Discretionary appeal of appellants Department of Children and Family Services, Denihan, and Duncan is not accepted.

Lundberg Stratton, J., dissents.

Lanzinger, J., dissents and would accept the appeal on Propositions of Law Nos. I and II.

Cupp, J., dissents and would accept the appeal on Propositions of Law Nos. I, II, and III.

2007-0076. IBM Corp. v. Franklin Cty. Bd. of Revision.

Franklin App. No. 06AP-108, 2006-Ohio-6258.

O'Donnell and Lanzinger, JJ., dissent.

2007-0092. State v. Coleman.

Lorain App. No. 06CA008877, 2006-Ohio-6329. Discretionary appeal accepted; cause held for the decision in 2006-1245 and 2006-1383, *State v. Payne*, Franklin App. No. 05AP-517, 2006-Ohio-2552; and briefing schedule stayed.

2007-0157. State v. Battease.

Hamilton App. Nos. C-050837 and C-050838, 2006-Ohio-6617. Discretionary appeal accepted; cause held for the decision in 2006-0882, *State v. Geeslin*, Mercer App. No. 10-05-06, 2006-Ohio-1261; and briefing schedule stayed.

Pfeifer, Lanzinger and Cupp, JJ., dissent.

2007-0167. State v. McClaskey.

Franklin App. No. 05AP-882, 2006-Ohio-6646. Discretionary appeal accepted on Proposition of Law No. I; cause held for the decision in 2006-1245 and 2006-1383, *State v. Payne*, Franklin App. No. 05AP-517, 2006-Ohio-2552; and briefing schedule stayed.

2007-0186. Morris v. Ohio Real Estate Appraiser Bd.

Franklin App. No. 06AP-669, 2006-Ohio-6743. Discretionary appeal accepted; cause held for the decision in 2006-0107, *Hughes v. Ohio Dept. of Commerce*, Franklin App. No. 04AP-1386, 2005-Ohio-6368; and briefing schedule stayed.

2007-0219. Ackison v. Anchor Packing Co.

Lawrence App. No. 05CA46, 2006-Ohio-7099. Discretionary appeal accepted and cause consolidated with 2007-0415, *Ackison v. Anchor Packing Co.*, Lawrence App. No. 05CA46, 2006-Ohio-7099.

Lanzinger, J., would accept the appeal but hold the cause for the decision in 2006-1025, *Norfolk S. Ry. Co. v. Nogle*, Cuyahoga App. No. 86339, 2006-Ohio-1540.

Cupp, J., would accept the appeal but hold the cause for the decision in 2006-1279, *In re Special Docket No. 73958*, Cuyahoga App. No. 87777 and 87816.

O'Donnell, J., dissents.

2007-0325. State v. Davis.

Hamilton App. No. C-040665, 2006-Ohio-3171. Discretionary appeal accepted on Proposition of Law No. II.

Pfeifer and O'Donnell, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2006-0919. Conley v. Smith.

Stark App. No. 2005CA00215, 2006-Ohio-1498.

2006-2129. In re Gibson.

Allen App. No. 1-06-24, 2006-Ohio-5145.

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

Cupp, J., not participating.

2006-2177. Coburn v. Thrush.

Morrow App. No. 2005CA0018, 2006-Ohio-5354.

2006-2224. State v. Wickard.

Hancock App. No. 5-05-30, 2006-Ohio-6088.

Lundberg Stratton, J., dissents and would accept the appeal on Proposition of Law No. I.

2006-2323. State v. Manns.

Clark App. No. 2005 CA 131, 2006-Ohio-5802. Discretionary appeal and cross-appeal not accepted.

Lanzinger and Cupp, JJ., dissent and would accept the appeal.

2006-2364. State v. Justice.

Montgomery App. No. 21375, 2006-Ohio-5965.

O'Connor and Lanzinger, JJ., dissent.

Lundberg Stratton, J., dissents and would accept the appeal on Proposition of Law No. II.

2006-2374. State v. Cobb.

Richland App. No. 06 CA 15, 2006-Ohio-4700.

2006-2380. State v. Cremeens.

Vinton App. No. 06CA646, 2006-Ohio-7092.

2006-2381. State v. Garcia.

Defiance App. No. 4-06-27, 2006-Ohio-6334. Discretionary appeal not accepted. Motion to hold in abeyance denied.

Cupp, J., not participating.

2006-2385. Boone v. Brown.

Hancock App. No. 5-06-14, 2006-Ohio-5967.

Cupp, J., not participating.

2006-2391. State v. Schweitzer.

Auglaize App. No. 2-06-25, 2006-Ohio-6087.

Cupp, J., not participating.

2006-2397. State v. Block.

Cuyahoga App. No. 87488, 2006-Ohio-5593.

2006-2399. State v. Johnson.

Franklin App. No. 06AP-588.

Lundberg Stratton, J., dissents and would accept the appeal and hold the cause for the decision in 2007-0052, *State v. Simkins*, Cuyahoga App. No. 87692, 2006-Ohio-6028.

2006-2401. Jackson v. CSX Transp., Inc.

Hamilton App. No. C-050370, 2006-Ohio-6045. Discretionary appeal not accepted.

O'Connor and O'Donnell, JJ., dissent.

On motion for admission pro hac vice of Edward H. Stopher and Raymond G. Smith by James L. O'Connell. Motion granted.

2006-2405. Carmel Financial Corp. v. Leal.

Lucas App. No. L-06-1049, 2006-Ohio-5618.

2006-2407. Plough v. Lavelle.

Portage App. No. 2005-P-0083, 2006-Ohio-6200.

Lanzinger, J., dissents.

2007-0002. State v. Farley.

Coshocton App. No. 06-CA-10, 2006-Ohio-6457.

2007-0008. State v. Kerr.

Wood App. No. WD-05-080, 2006-Ohio-6058.

2007-0012. State v. Harrop.

Fayette App. No. CA2005-12-036, 2006-Ohio-6080.

2007-0013. State v. McAlmont.

Clark App. No. 2005 CA 130, 2006-Ohio-6838.

Lanzinger and Cupp, JJ., dissent.

2007-0015. State v. Edwards.

Jackson App. No. 06CA5, 2006-Ohio-6288.

2007-0018. Middleburg Hts. v. Bowman.

Cuyahoga App. No. 86739, 2006-Ohio-5582.

2007-0025. Sharp v. Leiendecker.

Cuyahoga App. No. 87307, 2006-Ohio-5737.

Pfeifer, J., dissents.

2007-0026. Proctor v. Costal Bros.

Trumbull App. No. 2005-T-0111, 2006-Ohio-6343.

Pfeifer, J., dissents.

2007-0028. State v. Henricks.

Wood App. No. WD-05-051, 2006-Ohio-6181.

2007-0030. State v. Cunningham.

Franklin App. No. 06AP-145, 2006-Ohio-6373.

2007-0034. Emerson v. Yurchak.

Hamilton App. No. C-060113, 2006-Ohio-6162.

2007-0045. Bailey v. Ohio Dept. of Transp.

Cuyahoga App. No. 87619, 2006-Ohio-6023.

2007-0053. State v. Thompson.

Marion App. No. 9-06-54.

2007-0058. St. Francis Home, Inc. v. Ohio Dept. of Job & Family Servs.

Franklin App. No. 06AP-287, 2006-Ohio-6147.

2007-0061. Hodges v. Cin Steel Prods. Co.

Hamilton App. No. C-050533.

2007-0062. Vasquez v. Windham.

Portage App. No. 2005-P-0068, 2006-Ohio-6342.

2007-0063. State v. Walker.

Montgomery App. No. 21421, 2006-Ohio-6613.

2007-0070. Peterson v. Progressive Corp.

Cuyahoga App. No. 87676, 2006-Ohio-6175.

Lundberg Stratton, Lanzinger and Cupp, JJ., dissent.

2007-0073. Bentleyville v. Vince.

Cuyahoga App. No. 87752, 2006-Ohio-6275.

2007-0074. State v. Ushry.

Hamilton App. No. C-050740, 2006-Ohio-6287.
Lundberg Stratton, J., dissents.

2007-0075. In re Memic.

Lake App. Nos. 2006-L-049, 2006-L-050 and 2006-L-051, 2006-Ohio-6346.

2007-0077. State v. Spence.

Franklin App. No. 05AP-891, 2006-Ohio-6257.

2007-0079. State v. Divincenzo.

Medina App. No. 05CA0105-M, 2006-Ohio-6330.

2007-0083. State v. Asberry.

Hamilton App. No. C-050182.

2007-0084. In re D.M.

Cuyahoga App. No. 87723, 2006-Ohio-6191.
O'Donnell, J., dissents.

2007-0087. Abrams v. Worthington.

Franklin App. No. 05AP-912, 169 Ohio App.3d 94, 2006-Ohio-5516.
Pfeifer, J., dissents.

2007-0089. State v. Gross.

Muskingum App. No. CT2006-0006, 2006-Ohio-6941.

2007-0095. State v. Palmer.

Jefferson App. No. 04-JE-41, 2006-Ohio-749.

2007-0109. State v. Sawyer.

Medina App. No. 05CA0089-M, 2006-Ohio-4308.

2007-0110. State v. Wirth.

Hamilton App. No. C-060017.

2007-0116. State v. Jackson.

Butler App. No. CA2005-12-522, 2006-Ohio-6541.

2007-0119. Copeland v. Cincinnati.

Hamilton App. No. C-060971.

2007-0120. State v. Pryor.

Fairfield App. No. 06 CA 28, 2006-Ohio-6724.

2007-0122. State v. Reid.

Hamilton App. No. C-050465, 2006-Ohio-6450.

Moyer, C.J., dissents and would accept the appeal on Proposition of Law No. I.

2007-0124. State v. Howard.

Cuyahoga App. No. 87490, 2006-Ohio-6412.

2007-0131. State v. Berger.

Cuyahoga App. No. 87603, 2006-Ohio-6583.

Pfeifer and O'Donnell, JJ., dissent.

2007-0138. State v. Pacatte.

Clermont App. No. CA2006-01-001, 2006-Ohio-6546.

2007-0156. In re Rovtar.

Geauga App. No. 2005-G-2678, 2006-Ohio-6697.

2007-0158. State v. Brown.

Summit App. Nos. 23076 and 23080, 2006-Ohio-6749.

2007-0166. CARs Receivables Corp. v. Bank One Trust Co., N.A.

Franklin App. No. 05AP-1170, 2006-Ohio-6645.

2007-0168. Gaydosh v. Procop.

Summit App. No. 23194, 2006-Ohio-6557.

2007-0172. State v. Alexander.

Mahoning App. No. 05 MA 221, 2006-Ohio-7049.

2007-0176. An v. Manson.

Franklin App. No. 06AP-90, 2006-Ohio-6733.

2007-0179. State v. Dackiewicz.

Lake App. No. 2006-L-150, 2006-Ohio-6692.

Moyer, C.J., and O'Connor, J., dissent.

2007-0187. Allied Holdings, Inc. v. Meade.

Logan App. No. 8-06-13, 2006-Ohio-6682.

Cupp, J., not participating.

2007-0189. State v. Williams.

Trumbull App. No. 2005-T-0123, 2006-Ohio-6689.

O'Connor, J., not participating.

2007-0206. State v. Harris.

Jefferson App. No. 04 JE 44, 2006-Ohio-3520.

2007-0276. State v. Smith.

Montgomery App. No. 21340, 2006-Ohio-5400.

RECONSIDERATION OF PRIOR DECISIONS

2005-2134. Preferred Capital, Inc. v. Power Eng. Group, Inc.

Summit App. Nos. 22475, 22476, 22477, 22478, 22485, 22486, 22487, 22488, 22489, 22497, 22499, 22506 and 22513, 839 N.E.2d 416, 2005-Ohio-5113. Reported at 112 Ohio St.3d 429, 2007-Ohio-257, 860 N.E.2d 741. On motion for reconsideration. Motion denied.

Lundberg Stratton and Lanzinger, JJ., dissent.

Cupp, J., not participating.

2006-0034. Preferred Capital, Inc. v. Ferris Bros., Inc.

Summit App. Nos. 22581, 22604, 22605, 22606, 22607, 22608, 22609, 22610, 22611, 22612, 22613, 22614, 22615, 22616, 22617, 22618 and 22619, 2005-Ohio-6221. Reported at 112 Ohio St.3d 503, 2007-Ohio-516, 861 N.E.2d 139. On motion for reconsideration. Motion denied.

Lundberg Stratton and Lanzinger, JJ., dissent.

Cupp, J., not participating.

2006-0506. Preferred Capital, Inc. v. Al & Lou Builders Supply, Inc.

Summit App. No. 22654, 2006-Ohio-250. Reported at 112 Ohio St.3d 504, 2007-Ohio-517, 861 N.E.2d 139. On motion for reconsideration. Motion denied. Motion to strike motion for reconsideration denied as moot.

Lundberg Stratton, J., dissents.

Lanzinger, J., would grant the motion to strike.

Cupp, J., not participating.

2006-0912. Preferred Capital, Inc. v. Wheaton Trenching, Inc.

Summit App. No. 22995, 2006-Ohio-1554. Reported at 112 Ohio St.3d 505, 2007-Ohio-518, 861 N.E.2d 140. On motion for reconsideration. Motion denied.

Lundberg Stratton and Lanzinger, JJ., dissent.

Cupp, J., not participating.

2006-2075. Green v. Westfield Ins. Co.

Medina App. No. 06CA0025-M, 2006-Ohio-5057. Reported at 112 Ohio St.3d 1491, 2007-Ohio-724, 862 N.E.2d 118. On motion for reconsideration. Motion denied.

Pfeifer and O'Donnell, JJ., dissent.

2006-2088. State v. McGhee.

Shelby App. No. 17-06-05, 2006-Ohio-5162. Reported at 112 Ohio St.3d 1491, 2007-Ohio-724, 862 N.E.2d 118. On motion for reconsideration. Motion denied.

Cupp, J., not participating.

2006-2108. Community Hous. Network, Inc. v. Stoyer.

Franklin App. No. 06AP-73, 2006-Ohio-5094. Reported at 112 Ohio St.3d 1472, 2007-Ohio-388, 861 N.E.2d 145. On motion for reconsideration. Motion denied.