

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

**WEDNESDAY
June 3, 1992**

MERIT DOCKET

92-972. State ex rel. Rogers v. Taft.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus regarding an expedited election matter and was considered in a manner prescribed by law. Upon consideration of relator's motion for summary judgment,

IT IS ORDERED by the court that said motion for summary judgment be, and the same is hereby, overruled, effective June 2, 1992.

IT IS FURTHER ORDERED by the court that the writ of mandamus be, and the same is hereby, denied, consistent with the opinion to follow.

Moyer, C.J., Sweeney, Holmes, Wright, H. Brown and Resnick, JJ., concur.
Douglas, J., would deny the writ as moot.

MOTION DOCKET

92-972. State ex rel. Rogers v. Taft.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus regarding an expedited election matter. Upon consideration of relator's request for a peremptory writ in the first instance,

IT IS ORDERED by the court that said request for a peremptory writ in the first instance be, and the same is hereby, denied, effective May 28, 1992

92-1067. State ex rel. Omarbey v. Franklin Cty. Bd. of Elections.

In Prohibition. This cause originated in this court on the filing of a complaint for a writ of prohibition. Upon consideration of relator's request for alternative writ,

IT IS ORDERED by the court that said request for alternative writ be, and the same is hereby, granted, effective June 2, 1992, and it is ordered that any ballots for the write-in candidacy of Pamela Finke be counted and impounded pending final disposition of this case.

Holmes, J., dissents, would deny the writ, and would allow the votes and counting thereof.

Douglas, J., dissents, would deny the writ, and would order the votes counted but not certified until further order of this court.

REHEARING DOCKET

92-508. State ex rel. Shumate v. Portage Cty. Bd. of Elections.

In Prohibition. This cause came on for further consideration upon respondent's motion for rehearing. Upon consideration thereof,

IT IS ORDERED by the court that said motion for rehearing be, and the same is hereby, denied, effective June 2, 1992.

IT IS FURTHER ORDERED by the court, *sua sponte*, that the following be added to footnote 1 of the opinion of this court issued on May 20, 1992:

“See, also, *State, ex rel. Burech, v. Belmont Cty. Bd. of Elections* (1985), 19 Ohio St.3d 154, 19 OBR 437, 484 N.E.2d 153, in which we *sua sponte* converted a claim in prohibition to one in mandamus. We perceive no prejudice to respondent because the principal issue would be argued the same way under either a mandamus or prohibition theory. Moreover, since we consider the case as one in prohibition, respondent's argument that the complaint should be dismissed because it was not captioned as a 'petition' in mandamus is moot.”

Holmes and Resnick, JJ., would grant.

MISCELLANEOUS DISMISSALS

91-2095. Hertz Corp. v. West Virginia Ins. Guar. Assn.

Franklin County, No. 91AP-67. This cause, here on appeal from the Court of Appeals for Franklin County, was considered in the manner prescribed by law. Upon consideration of the joint application to dismiss,

IT IS ORDERED by the court that said application be, and the same is hereby, granted, effective June 2, 1992.

92-1021. King v. Pearce.

Seneca County, No. 13-91-6. This cause is pending before the court on the filing of a motion for an order directing the Court of Appeals for Seneca County to certify its record. Upon consideration of the joint application for dismissal,

IT IS ORDERED by the court that said application be, and the same is hereby, granted, effective June 1, 1992.