

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

THURSDAY
January 18, 1996

MERIT DOCKET

96-88. Kallstrom v. Insley.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. Upon consideration of relators' motion for temporary restraining order,

IT ORDERED by the court, sua sponte, effective January 17, 1996, that this cause be, and hereby is, dismissed.

Moyer, C.J., Wright, Resnick, F.E. Sweeney, Pfeifer and Cook, JJ., concur.
Douglas, J., dissents and would grant a temporary restraining order.

MOTION DOCKET

92-2565. State v. Scudder.

Franklin County, No. 91AP-506. This court has received notification that the Supreme Court of the United States entered an order in No. 94-9150, Kevin P. Scudder v. Ohio, which stated:

"The petition for a writ of certiorari is denied."

Upon consideration that the stay of execution of sentence granted by this court on March 8, 1995, was conditioned upon final disposition of appellant's petition to the Supreme Court of the United States, and it appearing to this court that the Supreme Court of the United States has rendered a final disposition of the petition,

IT IS ORDERED that the stay of execution is hereby terminated as of the date of this entry, effective January 17, 1996.

IT IS HEREBY ORDERED by this court that the sentence be carried into execution by the Warden of the Southern Ohio Correctional Facility or, in his absence, by the Deputy Warden on Tuesday, the 16th day of April, 1996, in accordance with the statutes so provided.

IT IS FURTHER ORDERED that a certified copy of this entry and a warrant under the seal of this court be duly certified to the Warden of the Southern Ohio Correctional Facility and that the Warden shall make due return thereof to the Clerk of the Court of Common Pleas of Franklin County.

IT IS FURTHER ORDERED by the court that, upon written application of appellant, and pursuant to State v. Glenn (1987), 33 Ohio St. 3d 601, 514 N.E.2d 869, this court will grant one additional stay for a period ending six months from the date of this entry to allow appellant an opportunity to file a petition for post-conviction relief.

95-131. Estate of Morgan v. Fairfield Family Counseling Ctr.

Lake County, No. 93-L-082. This cause is pending before the court as an appeal from the Court of Appeals for Fairfield County. Upon consideration of appellees' motion to reschedule oral argument,

IT IS ORDERED by the court that the motion to reschedule oral argument be, and hereby is, denied, effective January 17, 1996.

MISCELLANEOUS DISMISSALS

95-2509. Thompson v. Utomo.

Lucas County, No. L-95-034. This cause is pending before the court as a discretionary appeal and cross-appeal. It appears from the records of this court that appellee/cross-appellant, State Farm Mutual Automobile Insurance Company, has not filed a memorandum in response/memorandum in support of cross-appeal, due January 10, 1996, in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that the cross-appeal of State Farm Mutual Automobile Insurance Company be, and hereby is, dismissed sua sponte, effective January 17, 1996.

The appeal of Barbara A. Thompson, Admr., etc., et al. remains pending.

95-2546. In re Grand Jury of Delaware Cty.

Delaware County, No. 95CAD11076. This cause is pending before the court as a discretionary appeal and as a claimed appeal of right. Upon consideration of appellants' application for dismissal,

IT IS ORDERED by the court that the application for dismissal be, and hereby is, granted.

ACCORDINGLY, IT IS FURTHER ORDERED by the court that this cause be, and hereby is, dismissed.

96-28. Soltis v. Wegman, Hessler, Vanderburg & O'Toole.

Cuyahoga County, No. 69602. This cause is pending before the court as a discretionary appeal and as a claimed appeal of right. Upon consideration of appellant's application for dismissal,

IT IS ORDERED by the court that the application for dismissal be, and hereby is, granted.

ACCORDINGLY, IT IS FURTHER ORDERED by the court that this cause be, and hereby is, dismissed.