

**SUPREME COURT OF OHIO**

**COLUMBUS**

**ANNOUNCEMENT**

1:00 P.M.

WEDNESDAY  
February 16, 2000

**MERIT DOCKET**

**99-1861. In re Complaint of Sanders.**

Public Utilities Commission, No. 97-843-GE-CSS. On motion to dismiss by the Public Utilities Commission of Ohio. *Sua sponte*, notice of appeal stricken and cause dismissed.

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

Resnick and Lundberg Stratton, JJ., would grant the motion to dismiss.

Pfeifer, J., would deny the motion to dismiss.

**99-2073. State ex rel. Sanders v. Pub. Util. Comm.**

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

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

Douglas, J., would strike the notice of appeal.

Pfeifer, J., would deny the motion to dismiss.

**99-2303. State ex rel. Casper v. Ohio Adult Parole Auth.**

In Mandamus. 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.

**99-2304. State ex rel. Pollock v. Lucas Cty. Court of Appeals.**

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

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

Resnick, J., not participating.

**00-40. In re Cotten.**

In Habeas Corpus. On petition for writ of habeas corpus by Charles Cotten, Sr. *Sua sponte*, cause dismissed.

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

**00-60. Shepard v. Morgan.**

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

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

**00-70. Lansing v. Lazaroff.**

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

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

**00-114. Touvell v. Ohio Adult Parole Auth.**

In Habeas Corpus. On petition for writ of habeas corpus by Terry Lee Touvell. *Sua sponte*, cause dismissed.

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

**00-115. Touvell v. Ohio Adult Parole Auth.**

In Habeas Corpus. On petition for writ of habeas corpus by Terry Lee Touvell. *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**

**99-1664. State v. Miller.**

Hamilton App. No. C-980577.

**99-2000. State v. Gleis.**

Hamilton App. No. C-990585.

**99-2010. Green v. Williams.**

Franklin App. No. 99AP-474.

**99-2035. Schrader v. Schrader.**

Medina App. No. 2899-M.

Douglas, J., dissents.

**99-2077. State v. Calvert.**

Lorain App. No. 99CA007435.

**99-2089. State v. Black.**

Greene App. Nos. 98CA121 and 98CA126.

**99-2109. State v. Bradley.**

Logan App. No. 8-99-07.

Moyer, C.J., would allow and hold this cause for the decision in 99-765, *State v. Suffecool*, Stark App. No. 1998CA00101.

Lundberg Stratton, J., would allow only on Propositions of Law Nos. V and VI and hold this cause for the decision in 99-765, *State v. Suffecool*.

**99-2115. State v. Shaffer.**

Marion App. No. 9-99-41.

**99-2116. State v. Taylor.**

Clermont App. Nos. CA99-05-042 and CA99-05-043.

Lundberg Stratton, J., dissents.

**99-2123. State v. Lawrence.**

Lucas App. No. L-98-1240.

Resnick, J., not participating.

**99-2124. Pollack v. Watts.**

Fairfield App. No. 98CA74.

**99-2130. State v. Brooks.**

Cuyahoga App. No. 76983.

**99-2134. State v. Woods.**

Portage App. No. 99-P-0047.

Lundberg Stratton, J., dissents.

**99-2139. State v. Palmer.**

Belmont App. No. 96BA70.

**99-2144. In re Estate of Kordiac.**

Summit App. No. 19192.

Pfeifer, J., dissents.

**99-2145. Kelley v. Interstate Hotels Corp.**

Hamilton App. No. C-990132.

F.E. Sweeney, J., dissents.

**99-2157. Durkin v. Durkin.**

Franklin App. No. 99AP-925.

**99-2161. State v. Young.**

Trumbull App. No. 98-T-0128.

**99-2164. Ohio State Crime Victims Reparations Fund v. Gavin.**

Franklin App. No. 99AP-1033.

**99-2168. State v. Getsy.**

Trumbull App. No. 98-T-0140.

**99-2169. State v. Stroud.**  
Cuyahoga App. No. 74756.

**99-2181. State v. Mack.**  
Cuyahoga App. No. 75086.

**99-2191. State v. Reynolds.**  
Summit App. No. 19062.  
Pfeifer, J., dissents.

**99-2194. State v. Zimmer.**  
Cuyahoga App. No. 75138.

**99-2195. Crafton v. Chemstation.**  
Montgomery App. Nos. 17736 and 17826.

**99-2198. State v. Bates.**  
Cuyahoga App. No. 76251.

**99-2221. State v. Jennings.**  
Richland App. No. 98CA114.

**00-4. State v. Williams.**  
Summit App. No. 19437.

### **MOTION DOCKET**

**98-1124. Clement v. Grange Mut. Cas. Co.**  
Medina App. No. 2698-M. *Sua sponte*, stay of briefing schedule dissolved in this cause and in consolidated case No. 98-1185, *Simcox v. Westfield Cos.*

**98-1185. Simcox v. Westfield Cos.**  
Medina App. No. 2697-M. *Sua sponte*, stay of briefing schedule dissolved in this cause and in consolidated case No. 98-1124, *Clement v. Grange Mut. Cas. Co.*

**98-1912. State ex rel. Chrysler Corp. v. Indus. Comm.**  
Franklin App. No. 97APD02-270. On request for oral argument. Request denied.

**99-796. Black v. Allstate Ins. Co.**

Scioto App. No. 98CA2597. *Sua sponte*, cause held for the decisions in 98-1124, *Clement v. Grange Mut. Cas. Co.*, Medina App. No. 2698-M; and 98-1185, *Simcox v. Westfield Cos.*, Medina App. No. 2697-M; briefing schedule stayed.

**99-1287. Progressive Ins. Co. v. Stewart.**

Lucas App. No. L-98-1250. *Sua sponte*, cause held for the decisions in 98-1124, *Clement v. Grange Mut. Cas. Co.*, Medina App. No. 2698-M; and 98-1185, *Simcox v. Westfield Cos.*, Medina App. No. 2697-M; briefing schedule stayed.

**99-1552. State ex rel. Ohio Patrolmen's Benevolent Assn. v. Mentor.**

In Mandamus. This cause is before the court for its consideration under S.Ct.Prac.R. X(5). Upon consideration,

IT IS ORDERED that relators' claims regarding payroll, overtime, and having investigative records be DISMISSED as moot.

IT IS FURTHER ORDERED that regarding relators' remaining claims concerning the Spetrino investigative records and their entitlement to attorney fees, an alternative writ is GRANTED, the parties shall file evidence regarding these claims within twenty days of this entry, relators shall file a merit brief within twenty days after the submission of evidence, respondents shall file their merit brief within twenty days after relators' merit brief is filed, and relators may file a reply brief within five days after respondents' merit brief is filed.

**99-2293. Linko v. Indemn. Ins. Co. of N. Am.**

Certified State Law Question, No. 98CV129S. On review of preliminary memoranda. The court will answer questions 1, 2, and 3 certified by the United States District Court for the Western District of New York:

"1. Whether an insured under an automobile liability policy may challenge the authority of a signatory to an uninsured/underinsured motorist coverage rejection form when such signatory's authority is not disputed by the named insureds or insurer.

"2. Whether the language of the uninsured/underinsured motorist coverage rejection forms accompanying the subject automobile liability policy satisf[ies] the offer requirements of R.C. 3837.18.

"3. With regard to the scope and validity of the uninsured/underinsured motorist coverage rejection forms:

“a. Whether each of several separately incorporated named insureds must be expressly listed in the rejection form in order to satisfy the requirement that the waiver be made knowingly, expressly, and in writing by each named insured?”

“b. When, on its face, a rejection form was signed by the employee of only one of several separately incorporated named insureds listed in the policy, whether the four corners of the insurance agreement control in determining whether the waiver was knowingly and expressly made by each of the named insureds, or does the parties’ intent, established by extrinsic evidence, control?”

“c. If extrinsic evidence of the parties’ intent is to be considered in assessing the scope and validity of a rejection form, whether actual authority for rejecting un[insured]/underinsured motorist coverage on behalf of a named insured under an automobile liability policy can be established by means other than a signed document granting such authority executed prior to the rejection of such coverage?”

“d. Whether a parent corporation has implied authority to waive coverage on behalf of its separately incorporated subsidiary corporation when the subsidiary corporation did not provide written authorization to waive un[insured]-/underinsured motorist coverage benefits on its behalf prior to commencement of the policy period?”

Moyer, C.J., Douglas and Pfeifer, JJ., would also answer question 4.

Resnick, F.E. Sweeney and Lundberg Stratton, JJ., would not answer the certified questions of state law.

**00-32. State v. Johnson.**

Muskingum App. No. 9710. On motion for leave to file delayed appeal. Motion denied.

**00-58. State v. Johnson.**

Trumbull App. No. 97-T-0227. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**00-59. State v. Fannin.**

Ross App. No. 98CA2456. On motion for leave to file delayed appeal. Motion denied.

Lundberg Stratton, J., dissents.

**00-62. State v. Bell.**

Hamilton App. No. C-790181. On motion for leave to file delayed appeal. Motion denied.

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

**00-67. State v. Correa-Castillo.**

Cuyahoga App. No. 74393. On motion for leave to file delayed appeal. Motion denied.

**00-91. Ohio Patrolmen's Benevolent Assn. v. Cuyahoga Cty. Sheriff.**

Cuyahoga App. No. 75026. On motion for stay of court of appeals' judgment. Motion denied.

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

**00-106. State v. Hill.**

Stark App. No. 1998CA0083. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**00-116. State v. Dodds.**

Hamilton App. Nos. C-960380, C-960381 and C-960382. On motion for leave to file delayed appeal. Motion denied.

**DISCRETIONARY APPEALS ALLOWED**

**99-1986. Doe v. Shaffer.**

Hamilton App. No. C-980729.

Resnick and Lundberg Stratton, JJ., dissent.

**99-1993. In re Adoption of Jimenez.**

Montgomery App. No. 17484.

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

**DISCRETIONARY APPEALS NOT ALLOWED**

**99-1768. State v. Weaver.**

Delaware App. No. 99CAA05030.

**99-2003. Kovatch v. Aetna Cas. & Sur. Co.**

Lake App. No. 98-L-095.

Pfeifer, J., dissents.

**99-2037. W. Res. Care Sys. v. Masters.**

Mahoning App. No. 97CA95.

F.E. Sweeney, J., dissents.

**99-2086. Hall v. Forsyth.**

Montgomery App. No. 17977.

**99-2105. Ingram v. Carpenter.**

Butler App. No. CA97-12-224.

**99-2111. State v. Dortch.**

Montgomery App. No. 17700.

Pfeifer, J., dissents.

**99-2126. Walsh v. Cincinnati.**

Hamilton App. No. C-980964.

**99-2150. State v. Robarge.**

Cuyahoga App. No. 77017.

**99-2162. Vajda v. Neal.**

Cuyahoga App. No. 74868.

Douglas and Pfeifer, JJ., dissent.

Resnick, J., not participating.

**99-2163. State v. Ross.**

Clermont App. No. CA99-01-004.

**99-2189. Bogden v. Allstate Ins. Co.**

Cuyahoga App. No. 75141.

Douglas and Pfeifer, JJ., dissent.

**00-1. Pisani v. Pisani.**

Cuyahoga App. No. 74799.

Moyer, C.J., dissents.

Lundberg Stratton, J., dissents and would hold this cause for the decision in 99-2216, *Mayer v. Bristow*, Crawford App. No. 3-98-29.

**RECONSIDERATION DOCKET**

**97-98. State v. Madrigal.**

Lucas C.P. No. CR965761. Reported at 87 Ohio St.3d 378, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

**98-147. State v. O’Neal.**

Hamilton App. No. C-960392. Reported at 87 Ohio St.3d 402, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

**98-1775. Perez v. Falls Fin., Inc.**

Summit App. Nos. 18334 and 18335. Reported at 87 Ohio St.3d 371, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

Cook and Lundberg Stratton, JJ., dissent.