

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

August 7, 2002

MERIT DECISIONS WITH OPINIONS

1999-1268. State v. Cassano, 2002-Ohio-3751.

Richland C.P. No. 98CR171H. Judgment affirmed.

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

Cook, J., concurs in judgment only.

2001-0081. Univ. Hosps. of Cleveland, Inc. v. Lynch, 2002-Ohio-3748.

Cuyahoga App. Nos. 77129 and 77134. Judgment reversed and cause remanded.

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

Cook, J., concurs in part and dissents in part.

2001-1861. State v. Davie, 2002-Ohio-3753.

Trumbull App. No. 92-T-4693. Judgment affirmed.

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

MOTION AND PROCEDURAL RULINGS

2002-0597. Westmark v. Farmers Ins. of Columbus, Inc.

Fulton App. No. F-01-018, 2002-Ohio-1524. On review of order certifying a conflict. The court determines that a conflict exists; sua sponte, cause held for the decision in 2001-1786, *Lemm v. The Hartford*, Franklin App. No. 01AP-251; briefing schedule stayed.

Resnick, Cook and Lundberg Stratton, JJ., dissent.

2002-0666. Ruiz v. Rygalski.

Lucas App. No. L-01-1363, 2002-Ohio-1519. On review of order certifying a conflict. The court determines that a conflict exists; sua sponte, cause held for the decision in 2001-1786, *Lemm v. The Hartford*, Franklin App. No. 01AP-251; briefing schedule stayed.

Cook and Lundberg Stratton, JJ., dissent.

2002-0824. In re Thomas.

Warren App. No. CA2001-02-013, 2002-Ohio-1426. 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' Entry Granting Motion for Certification filed May 10, 2002, at page 2:

“The issue for certification is as follows: Must a juvenile court upon disposition grant credit for days served in a rehabilitation center or treatment facility toward the balance of a youth’s commitment to the Department of Youth Services on the same complaint, regardless of the secure nature of the treatment center or rehabilitation facility?”

The conflict cases are *In re Dillard*, Stark App. Nos. 2001CA00093 and 2001CA00121, 2001-Ohio-1897; and *In re Keeran*, Licking App. No. 01CA69, 2002-Ohio-1580.

2002-0925. State v. Lucas.

Licking App. No. 01CA00100, 147 Ohio App.3d 297, 2002-Ohio-2514. 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 appeals' Judgment Entry filed May 15, 2002, at page 2:

“Whether an individual, who is the protected subject of a temporary protection order, may be prosecuted for aiding and abetting the offender, who is the restrainee under the protection order, in violating said order.”

F.E. Sweeney, J., dissents.

The conflict case is *N. Olmsted v. Bullington* (2000), 139 Ohio App.3d 565, 744 N.E.2d 1225.

2002-1030. GuideOne Mut. Ins. Co. v. Reno.

Greene App. No. 01CA68, 2002-Ohio-2057. On review of order certifying a conflict. The court determines that a conflict exists; sua sponte, cause held for the decision in 2002-0248, *Cincinnati Ins. Co. v. Anders*, Greene App. No. 2001CA42, 2001-Ohio-2057; briefing schedule stayed.

Douglas, J., dissents.

APPEALS NOT ACCEPTED FOR REVIEW

2002-0555. Nwabara v. Willacy.

Cuyahoga App. Nos. 79416 and 79717, 2002-Ohio-1279.

2002-0613. Cummings-Farringer v. Farringer.

Hamilton App. No. C-020122.

2002-0618. State v. Mitchell.

Hamilton App. No. C-010556.

2002-0626. Murray v. State.

Cuyahoga App. No. 78374, 2002-Ohio-664. Appeal and cross-appeal not accepted.

2002-0628. Intrater v. Van Cauwenberghe.

Cuyahoga App. No. 78259. Appeal and cross-appeal not accepted.

2002-0634. Smith v. Amresco Mtge.

Montgomery App. No. 18775, 2002-Ohio-1219.

2002-0644. Raymond v. Sentry Ins.

Lucas App. No. L-01-1357, 2002-Ohio-1228.

Douglas and Resnick, JJ., dissent.

2002-0647. Harris v. Univ. Hosps. of Cleveland.

Cuyahoga App. Nos. 76724 and 76785, 2002-Ohio-983. Appeal and cross-appeal not accepted.

2002-0651. Cleveland v. Trzebuckowski.

Cuyahoga App. No. 79677, 2002-Ohio-584.

2002-0652. GE Capital Mtge. Serv., Inc. v. Guyer.

Hamilton App. No. C-010502.

Resnick, J., not participating.

2002-0659. State v. Casalicchio.

Cuyahoga App. No. 79431, 2002-Ohio-587.

2002-0661. Blatnik v. Dennison.

Lake App. No. 2000-L-110, 2002-Ohio-1682. Appeal not accepted.
Moyer, C.J., Resnick and Lundberg Stratton, JJ., dissent.
Cross-appeal not accepted.
Resnick and Lundberg Stratton, JJ., dissent.

2002-0667. Packer v. Kroger Co.

Lucas App. No. L-01-1407.
Resnick, J., not participating.

2002-0668. Reinhart v. Conrad.

Trumbull App. No. 2001-T-0144.
Douglas and Resnick, JJ., dissent.

2002-0673. Moore v. Alliance Obstetrics, Inc.

Stark App. No. 2001CA00006, 2002-Ohio-1138.

2002-0675. State v. Staton.

Miami App. No. 2001CA10, 2001-Ohio-7004.

2002-0679. Stant v. Lin.

Allen App. No. 1-01-90, 2002-Ohio-1062.
Douglas and Resnick, JJ., dissent.

2002-0682. State v. Williams.

Cuyahoga App. No. 79273, 2002-Ohio-503.

2002-0683. State v. Fox.

Franklin App. No. 01AP-322, 2002-Ohio-1036.
Cook, J., dissents.

2002-0685. State v. Santiago.

Lorain App. No. 01CA007798, 2002-Ohio-1114.

2002-0686. Kissinger v. Akron Radiology, Inc.

Summit App. No. 20994.
Resnick, J., dissents.

2002-0688. Hess v. One Americana L.P.

Franklin App. No. 01AP-1200, 2002-Ohio-1076.

F.E. Sweeney, J., dissents.

2002-0689. McIntosh v. Cuyahoga Metro. Hous. Auth.

Cuyahoga App. No. 79316, 2002-Ohio-485.

F.E. Sweeney, J., dissents.

2002-0690. State v. Winters.

Athens App. No. 02CA11.

Douglas and Resnick, JJ., dissent.

2002-0693. Valerius v. Houttekier.

Lucas App. No. L-01-1283, 2002-Ohio-1177.

2002-0694. Lynch v. Natl. City Mtge.

Cuyahoga App. No. 78954, 2002-Ohio-1407.

2002-0695. Tuckosh v. Tuckosh.

Harrison App. No. 00526CA, 2002-Ohio-1154.

Douglas and Resnick, JJ., dissent.

2002-0703. State v. Perry.

Ottawa App. No. OT-01-037, 2002-Ohio-1171.

Pfeifer, J., dissents.

Resnick, J., not participating.

2002-0704. Petty v. Wal-Mart Stores, Inc.

Montgomery App. No. 19067, 2002-Ohio-1211.

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

2002-0707. State v. Campbell.

Hamilton App. Nos. C-010567 and C-010596, 2002-Ohio-1143.

Pfeifer, J., dissents.

2002-0709. State v. Leisky.

Stark App. No. 2002CA00030.

2002-0710. Martin v. Martin.

Summit App. No. 20567, 2002-Ohio-1110.

Pfeifer, J., dissents.

2002-0711. State v. Caulley.

Franklin App. No. 97AP-1590, 2002-Ohio-1078.

Pfeifer, J., dissents.

2002-0712. State v. Tully.

Stark App. No. 2001CA00313, 2002-Ohio-1290.

2002-0717. State v. Semenchuk.

Cuyahoga App. No. 79523, 2002-Ohio-674.

2002-0718. Johnson v. Columbiana Cty. Aud.

Franklin App. No. 01AP-424, 2002-Ohio-1073.

2002-0719. Chappell & Zimmerman, Inc. v. Schiller.

Columbiana App. No. 01CO19, 2002-Ohio-1543.

2002-0726. State v. Torres.

Defiance App. No. 4-01-06, 2002-Ohio-1203.

Resnick, J., dissents.

2002-0727. State v. Willis.

Wood App. No. WD-01-009.

Moyer, C.J., dissents.

2002-0730. State v. Gandarilla.

Franklin App. No. 01AP-942, 2002-Ohio-1258.

2002-0731. Grenga v. Smith.

Trumbull App. No. 2001-T-0040, 2002-Ohio-1179.

2002-0732. Chapple v. Ultrafit USA, Inc.

Delaware App. No. 01CAE08037, 2002-Ohio-1292.

2002-0737. State v. Sedgmer.

Harrison App. No. 00522CA, 2002-Ohio-1527.

2002-0741. Pickerel v. Huntington Natl. Bank.

Franklin App. No. 01AP-911, 2002-Ohio-1259.

2002-0742. Crown Heating & Cooling, Inc. v. Trickett.

Portage App. No. 2001-P-0001, 2002-Ohio-1473.

Lundberg Stratton, J., dissents, would accept the appeal, and would reverse on authority of *Soler v. Evans, St. Clair & Kelsey* (2002), 94 Ohio St.3d 432, 763 N.E.2d 1169.

Cook, J., not participating.

2002-0743. Instone v. Motorists Mut. Ins. Co.

Wood App. No. WD-01-046.

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

Resnick, J., not participating.

2002-0746. State v. Simpson.

Montgomery App. No. 19011, 2002-Ohio-1300.

2002-0747. Akron Metro. Hous. Auth. v. Jacobs.

Summit App. No. 20671, 2002-Ohio-1247.

2002-0748. Clark v. Towne Properties Asset Mgt. Co.

Hamilton App. No. C-010335.

2002-0751. Bok v. Bauer.

Defiance App. No. 4-01-30, 2002-Ohio-1295.

2002-0752. State v. Woods.

Hamilton App. No. C-010422, 2002-Ohio-1951.

2002-0755. Baycliffs Corp. v. Marblehead.

Ottawa App. No. OT-01-021.

Resnick, J., not participating.

2002-0757. Croskey v. Summa Health Sys.

Summit App. No. 20759, 2002-Ohio-1251.

F.E. Sweeney, J., dissents.

2002-0760. State v. West.

Greene App. No. 2001CA86, 2002-Ohio-1897.

2002-0766. Young v. Young.

Trumbull App. No. 2001-T-0026, 2002-Ohio-1329.

Resnick, J., dissents.

2002-0769. Strayer v. Szerlip.

Knox App. No. 01CA28, 2002-Ohio-1577.

2002-0771. Robinson v. Springfield Local School Dist. Bd. of Edn.

Summit App. No. 20606, 2002-Ohio-1382.

2002-0772. Dean v. Ohio State Hwy. Patrol.

Franklin App. No. 00AP-1455, 2002-Ohio-1435.

Douglas and Pfeifer, JJ., dissent.

2002-0774. State v. Oliver.

Licking App. No. 01CA90, 2002-Ohio-1452.

2002-0775. State v. Wooten.

Athens App. No. 01CA31, 2002-Ohio-1466.

2002-0776. State v. Vaughn.

Greene App. No. 02CA25.

2002-0778. Ferguson v. Dyer.

Franklin App. No. 01AP-619, 2002-Ohio-1442.

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

2002-0781. State v. Neal.

Franklin App. No. 01AP-1402.

2002-0783. Hopkins v. Dyer.

Tuscarawas App. Nos. 2001AP080087 and 2001AP080088, 2002-Ohio-1576.

Appeal not accepted.

Moyer, C.J., would allow on Proposition of Law No. I.

Cook and Lundberg Stratton, JJ., would allow.

Cross-appeal not accepted.

Cook and Lundberg Stratton, JJ., dissent.

2002-0784. Rohr v. Cincinnati Ins. Co.

Stark App. No. 2001CA00237, 2002-Ohio-1583.

Cook, J., not participating.

2002-0786. Hamilton v. Spirtos.

Mahoning App. No. 01CA58, 2002-Ohio-1562.

F.E. Sweeney, J., dissents.

2002-0789. In re Thomas.

Warren App. No. CA2001-02-013, 2002-Ohio-1426.

Moyer, C.J., would allow on Proposition of Law No. I.

F.E. Sweeney and Lundberg Stratton, JJ., would allow.

2002-0790. Preferred Capital, Inc. v. Chef Italiano Corp.

Summit App. No. 20792, 2002-Ohio-1373.

2002-0791. State ex rel. Scadden v. Willhite.

Franklin App. No. 01AP-800.

2002-0792. State v. Stockwell.

Cuyahoga App. No. 78501.

2002-0795. Carrick v. Akron Dept. of Health.

Summit App. No. 20776, 2002-Ohio-1632.

2002-0796. Thrower v. Akron Dept. of Health.

Summit App. No. 20735, 2002-Ohio-1641.

2002-0797. State v. Simpson.

Columbiana App. No. 01CO13, 2002-Ohio-3003.

2002-0799. State v. Urban.

Franklin App. No. 01AP-239, 2002-Ohio-1438.

Pfeifer, J., dissents.

2002-0800. Westmark v. Farmers Ins. of Columbus, Inc.

Fulton App. No. F-01-018, 2002-Ohio-1524.

Moyer, C.J., dissents and would allow on Proposition of Law No. I.

F.E. Sweeney, J., dissents and would allow.

2002-0801. State v. Campa.

Hamilton App. No. C-010254, 2002-Ohio-1932.
Moyer, C.J., dissents.

2002-0802. Maple Hts. v. Taylor.

Cuyahoga App. No. 79762, 2002-Ohio-1412.

2002-0804. Corcino v. Neurosurgical Serv., Inc.

Lorain App. No. 01CA007903, 2002-Ohio-1375.

2002-0806. State v. Scuba.

Geauga App. No. 2000-G-2308, 2002-Ohio-1446.

2002-0807. Ruiz v. Rygalski.

Lucas App. No. L-01-1363, 2002-Ohio-1519.
Moyer, C.J., and Douglas, J., dissent.

2002-0808. State v. Butler.

Franklin App. No. 01AP-590, 2002-Ohio-1437. Appeal and cross-appeal not accepted.

2002-0809. State v. Richard.

Cuyahoga App. No. 79964, 2002-Ohio-1535.

2002-0811. State v. Finkes.

Franklin App. No. 01AP-310, 2002-Ohio-1439.

2002-0812. State v. Morton.

Cuyahoga App. No. 79436, 2002-Ohio-813.

2002-0813. State v. Majka.

Summit App. No. 20587, 2002-Ohio-1378.

2002-0816. Clark v. Dublin.

Franklin App. No. 01AP-458, 2002-Ohio-1440.
F.E. Sweeney, J., dissents.

2002-0817. Harvey v. Estate of Smith.

Franklin App. No. 01AP-937.

F.E. Sweeney, J., dissents.

2002-0819. In re Kash.

Warren App. No. CA2001-06-057, 2002-Ohio-1425.

2002-0820. Mauer v. Haines City Mobile Park & Sales, Inc.

Wood App. No. WD-00-051, 2002-Ohio-1516.

Resnick, J., not participating.

2002-0821. State v. Maple.

Ross App. No. 01CA2605, 2002-Ohio-1595.

2002-0827. GuideOne Mut. Ins. Co. v. Reno.

Greene App. No. 01CA68, 2002-Ohio-2057.

Moyer, C.J., would allow on Propositions of Law Nos. I and II.

Resnick, J., would allow.

2002-0829. State v. Starkweather.

Ashtabula App. No. 2001-A-0006, 2002-Ohio-1471.

2002-0834. Bryant v. Witkosky.

Portage App. No. 2001-P-0047, 2002-Ohio-1477.

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

2002-0836. Batton v. Hudson.

Summit App. No. 20946.

2002-0857. State v. Sampson.

Stark App. No. 2001CA00206, 2002-Ohio-1668.

2002-0861. State v. Harris.

Cuyahoga App. No. 78519, 2002-Ohio-1406.

2002-0864. State v. Rupp.

Butler App. No. CA2001-06-135, 2002-Ohio-1600.

2002-0882. Bourquin v. Keybank, N.A.

Lucas App. No. L-01-1315, 2002-Ohio-2297.

Resnick, J., not participating.