

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

October 11, 2002

MOTION AND PROCEDURAL RULINGS

1999-0040. Lincoln v. ANR Advance Transp. Co.

Montgomery App. No. 16975. This cause is pending before the court as a discretionary appeal. On March 19, 1999, this court stayed further proceedings in this case and ordered appellant to file a notice with this court upon the termination of the automatic stay under the Bankruptcy Code.

IT IS ORDERED by the court, sua sponte, that appellant file a notice advising this court of the status of the bankruptcy case, within 15 days of the date of this entry.

2001-1786. Lemm v. The Hartford.

Franklin App. No. 01AP-251. This cause is pending before the court on the certification of a conflict from the Court of Appeals for Franklin County. On February 6, 2002, this court consolidated this cause with Supreme Court case Nos. 2001-1955 and 2001-1977 for purposes of oral argument. Upon consideration of appellants/cross-appellees' motion to extend time for oral argument scheduled for October 15, 2002,

IT IS ORDERED by the court that the motion to extend time for oral argument be, and hereby is, granted to the extent that oral argument is extended to a combined total of 20 minutes per side.

2001-1843. Ferrando v. Auto-Owners Mut. Ins. Co.

Ashtabula App. No. 2000-A-0038. This cause is pending before the court as an appeal from the Court of Appeals for Ashtabula County. Upon consideration of the motion of amicus curiae, Ohio Association of Civil Trial Attorneys, for leave to participate in oral argument scheduled for October 15, 2002,

IT IS ORDERED by the court that the motion for leave to participate in oral argument be, and hereby is, granted, and the amicus curiae shall share the time allotted to appellee.

2001-1843. Ferrando v. Auto-Owners Mut. Ins. Co.

Ashtabula App. No. 2000-A-0038. This cause is pending before the court as an appeal from the Court of Appeals for Ashtabula County. Upon consideration of the motion of amici curiae, the American Insurance Association, the National Association of Independent Insurers, Alliance of American Insurers, the Ohio Chapter of the National Federation of Independent Business, the Ohio Manufacturers' Association, the Ohio Farm Bureau Federation, the Ohio Chemistry Technology Council, and the Ohio Council of Retail Merchants, for leave to participate in oral argument scheduled for October 15, 2002,

IT IS ORDERED by the court that the motion for leave to participate in oral argument be, and hereby is, granted, and the amici curiae shall share the time allotted to appellee.

2001-1955. Panozzo v. Allstate Ins. Co.

Cuyahoga App. No. 79083. This cause is pending before the court as an appeal from the Court of Appeals for Cuyahoga County. On February 6, 2002, this court consolidated this cause with Supreme Court case Nos. 2001-1786 and 2001-1977 for purposes of oral argument. On October 7, 2002, appellants/cross-appellees in case No. 2001-1786 filed a motion to extend time for oral argument scheduled for October 15, 2002. Upon consideration thereof,

IT IS ORDERED by the court that the time allotted for oral argument is extended to a combined total of 20 minutes per side.

2001-1977. Burnett v. Amex Assur. Co.

Cuyahoga App. No. 79082. This cause is pending before the court as an appeal from the Court of Appeals for Cuyahoga County. On February 6, 2002, this court consolidated this cause with Supreme Court case Nos. 2001-1786 and 2001-1955 for purposes of oral argument. On October 7, 2002, appellants/cross-appellees in case No. 2001-1786 filed a motion to extend time for oral argument scheduled for October 15, 2002. Upon consideration thereof,

IT IS ORDERED by the court that the time allotted for oral argument is extended to a combined total of 20 minutes per side.

2002-1068. Byrd v. Mickens-Byrd.

Franklin App. No. 01AP-946, 2002-Ohio-2579. This cause came on for further consideration upon appellant's request for findings of fact and conclusions of law. Upon consideration thereof,

IT IS ORDERED by the court that the request be, and hereby is, denied.

2002-1239. State ex rel. Chesbrough v. Indus. Comm.

Franklin App. No. 01AP-1077, 2002-Ohio-2907. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. Upon consideration of appellant's motion for extension of time to file appellant's merit brief pursuant to S.Ct.Prac.R. XIV(6)(C),

IT IS ORDERED by the court that the motion for extension of time be, and hereby is, granted, and appellant's merit brief is due on or before November 14, 2002.

2002-1297. N. Olmsted City School Dist. Bd. of Edn. v. Cuyahoga Cty. Aud.

Board of Tax Appeals, No. 99-N-1728. This cause is pending before the court as an appeal from the Board of Tax Appeals. Upon consideration of appellant's motion for extension of time to file appellant's merit brief pursuant to S.Ct.Prac.R. XIV(6)(C),

IT IS ORDERED by the court that the motion for extension of time be, and hereby is, granted, and appellant's merit brief is due on or before October 28, 2002.

2002-1377. State v. Cunningham.

Allen C.P. No. CR20020010. This cause is pending before the court as a death penalty appeal from the Court of Common Pleas of Allen County. Upon consideration of appellant's motion for extension of time to transmit the record,

IT IS ORDERED by the court that the motion for extension of time to transmit the record be, and hereby is, granted, and the time for transmitting the record is extended to February 5, 2003.

MISCELLANEOUS DISMISSALS

2002-0138. State ex rel. Dayton-Walther Corp. v. Indus. Comm.

Franklin App. No. 01AP-179. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. It appears from the records of this court that appellant has not filed a merit brief, due October 1, 2002, in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this case with the requisite diligence. Upon consideration thereof,

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

2002-1028. State ex rel. Handy v. Conrad.

Franklin App. No. 01AP-603, 2002-Ohio-2391. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. Upon consideration of the joint 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.

2002-1577. State v. Kaplowitz.

Lake App. No. 2001-L-025, 2002-Ohio-4217. This cause is pending before the court as a discretionary appeal and a claimed appeal of right. It appears from the records of this court that appellant has not filed a memorandum in support of jurisdiction, due October 4, 2002, in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this case with the requisite diligence. Upon consideration thereof,

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

2002-1710. McDonald v. Montgomery.

This cause originated in this court on the filing of a complaint for declaratory judgment. Upon consideration thereof,

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

MEDIATION REFERRALS

The following cases have been referred to mediation pursuant to S.Ct.Prac.R. XIV(6):

2002-1527. State ex rel. Bell v. Montgomery Cty. Bd. of Commrs.

In Mandamus and Prohibition.

The following cases have been returned to the regular docket pursuant to S.Ct.Prac.R. XIV(6)(E):

2002-1007. South-Western City School Dist. Bd. of Edn. v. Franklin Cty. Bd. of Revision.

Board of Tax Appeals, No. 2001-T-14.

2002-1064. Fogg Brooklyn Hts., L.L.C. v. Cuyahoga Cty. Bd. of Revision.
Board of Tax Appeals, No. 01-K-47.

2002-1095. Cleveland Mun. School Dist. Bd. of Edn. v. Cuyahoga Cty. Aud.
Board of Tax Appeals, Nos. 99-J-1763, 99-J-1764, 99-J-1773 and 99-J-1774.