

The Supreme Court of Ohio

COLUMBUS

ANNOUNCEMENT

9:00 A.M.

WEDNESDAY
February 6, 2002

MERIT DOCKET

01-1490. Estate of Monahan v. Am. States Ins. Co.

Certified State Law Question, No. 500CV1191. On copy of order vacating certification of state law questions by United States District Court, Northern District of Ohio, and on motion to dismiss of Fireman's Fund Insurance Company. Motion to dismiss sustained. Cause dismissed.

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

01-2120. State ex rel. Green v. Eighth Dist. Court of Appeals.

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

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

01-2125. Wojcik v. Option One Mtge. Corp.

Certified State Law Question, No. 0114355. On review of preliminary memoranda pursuant to S.Ct.Prac.R. XVIII(6). The court declines to answer the following certified questions:

“1. Did the inclusion of Ohio Revised Code § 5301.234 in House Bill No. 163 of the 123d General Assembly violate the single subject provision of Article II, § 15(D) of the Ohio Constitution?

“2. Did the adoption of Ohio Revised Code § 5301.234 violate Article IV, § 5(B) of the Ohio Constitution?”

This cause is therefore dismissed.

Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg Stratton, JJ., concur.

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

01-2144. State ex rel. Way v. Ohio Dept. of Rehab. & Corr.

In Mandamus. On motion for issuance of alternative writ, motion to produce/transmit record, and answer of respondents.

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.

01-2146. State ex rel. McKinley v. Judges of the Eighth Dist. Court of Appeals.

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

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

01-2150. State ex rel. Mitchell v. Mengel.

In Mandamus. On motion to dismiss, motion for an order instructing the Clerk to serve summons upon Schering Corporation, and motion for leave to amend complaint. Motion to dismiss sustained. Cause dismissed.

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

01-2173. In re Miller.

Certified State Law Question, No. 0014433. On review of preliminary memorandum pursuant to S.Ct.Prac.R. XVIII(6) and on motion for leave to file preliminary memorandum of Ohio Attorney General with preliminary memorandum attached.

The court declines to answer the following certified questions:

“1. Did the inclusion of Ohio Revised Code § 5301.234 in House Bill No. 163 of the 123d General Assembly violate the single subject provision of Article II, § 15(D) of the Ohio Constitution?

“2. Did the adoption of Ohio Revised Code § 5301.234 violate Article IV, § 5(B) of the Ohio Constitution?”

This cause is therefore dismissed.

Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg Stratton, JJ., concur.

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

01-2238. Garcia v. Konteh.

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

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

Resnick, J., not participating.

MOTION DOCKET

00-1874. State ex rel. Parma Community Hosp. v. Jankowski.

Franklin App. No. 99AP-1352. On request for oral argument. Request denied.

01-1758. Ferrone v. Medina Cty. Bd. of Revision.

Board of Tax Appeals, No. 99-V-609. On request for argument before full court. Request denied.

01-2210. State v. Roca.

Sandusky App. No. S-01-020. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

Resnick, J., not participating.

01-2222. State v. Morris.

Franklin App. No. 97APA07-897. On motion for leave to file delayed appeal. Motion denied.

01-2229. State v. Scruggs.

Butler App. No. CA2001-05-115. On motion for leave to file delayed appeal. Motion denied.

01-2246. State v. Beliveau.

Franklin App. No. 01AP-211. On motion for leave to file delayed appeal. Motion granted.

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

01-2279. State v. Lucas.

Montgomery App. No. 18644. On motion for leave to file delayed appeal. Motion denied.

02-11. State ex rel. Howard v. Ohio Bur. of Workers' Comp.

Franklin App. No. 97AP-860. On motion for stay of court of appeals' judgment. Motion denied.

02-12. State ex rel. Howard v. Ohio Bur. of Workers' Comp.

Franklin App. No. 01AP-141. On motion for stay of court of appeals' judgment. Motion denied.

02-13. State ex rel. Howard v. Seaway Foodtown, Inc.

Franklin App. No. 00AP-1097. On motion for stay of execution of court of appeals' judgment. Motion denied.

02-78. State v. Cominsky.

Lake App. No. 2001-L-023. On motion for stay of court of appeals' judgment. Motion denied.

Moyer, C.J., and F.E. Sweeney, J., dissent.

APPEALS ALLOWED

01-1165. Frenchtown Square Partnership v. Lemstone, Inc.

Mahoning App. No. 99CA300. The appeal is allowed on Proposition of Law No. I.

Douglas and Pfeifer, JJ., concur.

Moyer, C.J., and Lundberg Stratton, J., would allow all propositions of law.

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

01-1825. Lee v. Ohio Adult Parole Auth.

Montgomery App. No. 18833. Appeal allowed and cause to be argued on the same date as 01-1253 and 01-1266, *Layne v. Ohio Adult Parole Auth.*, Marion App. Nos. 9-01-06 and 9-2001-06.

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

01-1843. Ferrando v. Auto-Owners Mut. Ins. Co.

Ashtabula App. No. 2000-A-0038.

Moyer, C.J., Cook and Lundberg Stratton, JJ., dissent.

01-1874. Covington v. Ohio Gen. Ins. Co.

Franklin App. No. 01AP-213. On discretionary appeal, motion for admission *pro hac vice* of Charles T. Richardson by Scott North for National Organization of Life and Health Ins. etc., motion for admission *pro hac vice* of John P. Higgins and Maryann Taylor for U.M.C., etc., by Steven G. Janick, and motion for admission *pro hac vice* of Scott E. North for Ross S. Myer. Appeal allowed and motions granted.

01-1902. State v. Taufeeq.

Clermont App. No. CA2000-12-094. Discretionary appeal allowed and cause held for the decision in 00-1757, *State v. Murrell*, Hamilton App. No. C-000103; briefing schedule stayed.

Moyer, C.J., F.E. Sweeney and Pfeifer, JJ., dissent.

01-1912. In re Consol. Mtge. Satisfaction Cases.

Hamilton App. No. C-010137.

Moyer, C.J., F.E. Sweeney and Lundberg Stratton, JJ., dissent.

01-1955. Panozzo v. Allstate Ins. Co.

Cuyahoga App. No. 79083. On discretionary appeal and motion to consolidate case with 01-1786, *Lemm v. The Hartford*, Franklin App. No. 01AP-251. Appeal granted and motion granted for purposes of oral argument and decision.

Cook, J., would allow but would hold the cause for the decision in 01-1786.

Lundberg Stratton, J., dissents.

01-1957. Robson v. Allstate Ins. Co.

Delaware App. No. 01CAE03007.

Cook and Lundberg Stratton, JJ., dissent.

01-1970. Vaught v. Cleveland Clinic Found.

Cuyahoga App. No. 79026.

01-1977. Burnett v. Amex Assur. Co.

Cuyahoga App. No. 79082. On discretionary appeal and motion to consolidate case with 01-1786, *Lemm v. The Hartford*, Franklin App. No. 01AP-251. Appeal granted and motion granted for purposes of oral argument and decision.

Cook, J., would allow but would hold the cause for the decision in 01-1786.

Lundberg Stratton, J., dissents.

APPEALS NOT ALLOWED

01-1981. State v. Palmer.

Montgomery App. No. 18778.

01-1985. State v. Scott.

Mahoning App. No. 99CA324.

01-1988. State v. Rowland.

Franklin App. No. 01AP-368.

01-1990. Kasarda v. Nelson Tree Serv., Inc.

Stark App. No. 2001CA00009.

Douglas, J., dissents.

01-2007. Alexander v. Urban Communications Television, Inc.

Montgomery App. No. 18696.

01-2008. Johnson v. Am. Family Ins. Co.

Lucas App. No. L-01-1040.

Resnick, J., not participating.

01-2009. Bedford v. Bedford.

Franklin App. No. 01AP-70.

01-2010. State v. Griffis.

Muskingum App. No. CT20010026.

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

Douglas, J., would allow.

01-2011. Davis v. May Dept. Stores Co.

Summit App. No. 20396.

01-2012. Shropshire v. EMC/Hamilton Mut. Ins. Co.

Montgomery App. Nos. 18803 and 18814.

Lundberg Stratton, J., dissents.

01-2015. Second Natl. Bank of Warren v. Renner-Goff.

Summit App. No. 20491.

01-2017. State v. Geter.

Montgomery App. No. 18779.

01-2018. State v. Reed.

Clark App. No. 01CA0028.

01-2019. State v. Ahart.

Mahoning App. No. 93CA211.

Moyer, C.J., and Cook, J., dissent, would allow on Propositions of Law Nos. I, IV, and V, and would hold this cause for the decision in 01-733, *State v. Parker*, Cuyahoga App. No. 76395.

01-2022. Pinnacle Technology Resources, Inc. v. Shafer Consulting Group, Inc.

Franklin App. No. 00AP-1291.

Pfeifer, J., dissents.

01-2026. State v. Rader.

Lorain App. No. 00CA007752.

01-2032. Pengov v. White.

Lorain App. Nos. 01CA007794 and 01CA007830.

01-2034. Smith v. L.J. Lewis Ent., Inc.

Trumbull App. No. 2000-T-0052.

01-2037. State v. Young.

Ashtabula App. No. 2000-A-0078.

Lundberg Stratton, J., dissents.

01-2040. State v. Kellon.

Cuyahoga App. No. 78668.

Douglas, J., dissents.

01-2041. Walker-Eaton v. Eaton.

Cuyahoga App. No. 78917.

01-2042. State v. Jones.

Cuyahoga App. No. 78545.

01-2043. State v. Brown.
Cuyahoga App. No. 78423.

01-2053. Estate of Holmes v. Ludeman.
Lucas App. No. L-00-1294.

01-2056. Walker v. Firelands Community Hosp.
Erie App. No. E-01-006.
Resnick, J., not participating.

01-2058. Lay v. Hensley-Lay.
Lucas App. No. L-00-1399.

01-2060. Metzenbaum v. Hedervary.
Cuyahoga App. Nos. 80064 and 80153.

01-2061. State v. Sharif.
Cuyahoga App. No. 79325.

01-2062. State v. Powell.
Summit App. No. 20067.

01-2067. State v. Jones.
Hamilton App. Nos. C-000419 and C-000420.
Douglas, J., dissents.

01-2068. Barber v. Buckeye Masonry & Constr. Co.
Geauga App. No. 2000-G-2305.
Resnick and F.E. Sweeney, JJ., dissent.

01-2069. Dunkel v. Hilyard.
Pickaway App. No. 01CA6.

01-2071. State v. Booth.
Huron App. No. H-01-015.
Resnick, J., not participating.

01-2076. State v. Johnson.
Montgomery App. No. 17420.

01-2077. Salti v. Keybank Natl. Assn.

Cuyahoga App. No. 78724.

Resnick, J., not participating.

01-2078. State v. West.

Greene App. No. 01CA86.

01-2080. State v. Baker.

Clinton App. No. CA2000-08-018.

01-2083. State v. Sanchez.

Cuyahoga App. No. 79902.

Lundberg Stratton, J., dissents.

01-2085. State v. Leone.

Cuyahoga App. Nos. 75871, 75872, 75873 and 75874.

Lundberg Stratton, J., dissents.

01-2086. Brown v. E. Ohio Gas. Co.

Cuyahoga App. No. 79003.

Cook, J., dissents.

01-2087. Bailey v. Priyanka, Inc.

Summit App. No. 20437.

Lundberg Stratton, J., dissents.

01-2088. State v. Waldron.

Cuyahoga App. No. 80207.

Lundberg Stratton, J., dissents.

01-2089. In re Triplett.

Franklin App. No. 01AP-355.

01-2092. State v. Dattillo.

Mahoning App. No. 00CA113.

01-2096. State v. Burt.

Cuyahoga App. No. 78612.

01-2097. Johnson v. Ohio Council Eight.
Cuyahoga App. No. 78674.

01-2099. Pilla v. Safely Home, Inc.
Cuyahoga App. No. 80192.

01-2101. State v. Held.
Portage App. No. 2000-P-0096.

01-2113. Olszewski v. DaimlerChrysler Corp.
Lucas App. No. L-01-1202.
Resnick, J., not participating.

01-2115. Columbia Twp. Bd. of Trustees v. Albertson.
Lorain App. No. 01CA007785.

01-2119. Mieczkowski v. King.
Jefferson App. No. 00JE35.

01-2121. State v. Dudley.
Trumbull App. No. 93-T-4907.

01-2122. Webb v. Progressive Ins. Co.
Franklin App. No. 01AP-534.
Douglas and F.E. Sweeney, JJ., dissent.

01-2126. State v. Ramjit.
Cuyahoga App. No. 77337.

01-2168. State v. Larew.
Mahoning App. No. 98CA168.

RECONSIDERATION DOCKET

00-2123. Estate of Oliver v. Dewey.
Lake App. No. 99-L-156. Reported at 93 Ohio St.3d 1231, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

01-1803. Natl. City Bank v. Facilities Asset Mgt., Inc.

Cuyahoga App. No. 78410. Reported at 94 Ohio St.3d 1411, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

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

01-1807. Luckenbill v. Hamilton Mut. Ins. Co.

Darke App. No. 1524. Reported at 94 Ohio St.3d 1411, ___ N.E.2d ___. On motion for reconsideration. Motion granted and appeal allowed.

Moyer, C.J., Cook and Lundberg Stratton, JJ., dissent.