

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

December 20, 2002

MERIT DECISIONS WITH OPINIONS

1999-0972. State v. Taylor, 2002-Ohio-7017.

Greene C.P. No. 98CR0054. Judgment affirmed.

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

1999-1524. State v. Noling, 2002-Ohio-7044.

Portage App. No. 96-P-0126. Judgment affirmed.

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

2002-0073. State ex rel. Smith v. Indus. Comm., 2002-Ohio-7035.

Franklin App. No. 01AP-272. Judgment reversed and writ granted.

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

2002-0087. State ex rel. Ford Motor Co. v. Indus. Comm., 2002-Ohio-7038.

Franklin App. No. 00AP-813. Judgment affirmed.

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

2002-1148. State ex rel. Kimbrough v. Greene, 2002-Ohio-7042.

Cuyahoga App. No. 81172, 2002-Ohio-2750. Judgment affirmed.

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

2002-1161. Cotten v. Fitzpatrick, 2002-Ohio-7043.

Franklin App. No. 01AP-788. Judgment affirmed.

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

MOTION AND PROCEDURAL RULINGS

1998-2061. State v. Franklin.

Montgomery App. No. 97CR1139. Upon consideration of the motion filed by counsel for appellant to stay the execution of sentence in the above-styled cause pending the timely filing of a petition for a writ of certiorari in the Supreme Court of the United States and pending the exhaustion of state post-conviction remedies,

IT IS ORDERED by the court that said motion be, and hereby is, granted.

IT IS FURTHER ORDERED by the court that compliance with the mandate and execution of sentence be, and hereby are, stayed pending the timely filing of the petition in the Supreme Court of the United States.

IT IS FURTHER ORDERED that if such petition is timely filed, this stay shall continue for an indefinite period pending final disposition of this cause by the Supreme Court of the United States.

IT IS FURTHER ORDERED by the court that this stay shall remain in effect until exhaustion of all state post-conviction proceedings, including any appeals.

IT IS FURTHER ORDERED that counsel for the appellant and for the appellee shall notify this court upon a final disposition by the Supreme Court of the United States or when all proceedings for post-conviction relief before courts of this state have been exhausted, whichever occurs later.

2001-1970. Vaught v. Cleveland Clinic Found.

Cuyahoga App. No. 79026. This cause is pending before the court as an appeal from the Court of Appeals for Cuyahoga County. Upon consideration of the joint motion of appellee and amicus curiae, Ohio Academy of Trial Lawyers, for leave to participate in oral argument scheduled for January 8, 2003,

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.

2002-0070. Jones v. Action Coupling & Equip., Inc.

Holmes App. No. 01CA013. This cause is pending before the court as an appeal from the Court of Appeals for Holmes County. Upon consideration of the motion

of amicus curiae, Industrial Commission of Ohio, for leave to participate in oral argument scheduled for January 22, 2003,

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.

2002-0149. Jones v. Action Coupling & Equip., Inc.

Holmes App. No. 01CA013. This cause is pending before the court on the certification of a conflict by the Court of Appeals for Holmes County. Upon consideration of the motion of amicus curiae, Industrial Commission of Ohio, for leave to participate in oral argument scheduled for January 22, 2003,

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.

2002-1740. State ex rel. Whisman v. Indus. Comm.

Franklin App. No. 02AP-130, 2002-Ohio-4899. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. Upon consideration of the joint motion for extension of time to file merit briefs 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 February 13, 2003.

2002-1847. Univ. of Cincinnati Med. Assoc., Inc. v. Zaino.

Board of Tax Appeals, No. 99-A-1413. 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 January 5, 2003.

2002-1848. Univ. of Cincinnati Med. Assoc., Inc. v. Zaino.

Board of Tax Appeals, No. 99-A-1411. 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 January 5, 2003.

2002-1849. Univ. of Cincinnati Med. Assoc., Inc. v. Zaino.

Board of Tax Appeals, No. 99-A-1412. 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 January 5, 2003.

MISCELLANEOUS DISMISSALS

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

In Mandamus and Prohibition. This cause originated in this court on the filing of a complaint for writs of mandamus and prohibition. Upon consideration of relators' application for partial voluntary dismissal of claim for relief,

IT IS ORDERED by the court that relators' application be, and hereby is, granted.

IT IS FURTHER ORDERED by the court that relators' claim for relief in mandamus seeking to compel respondents to approve the August 1, 2002 budget request of the relators be, and hereby is, dismissed; and that David Lee, Executive Director of the Montgomery County Veterans Service Commission, be, and hereby is, dismissed as a respondent herein. The remainder of relators' claims remain pending.

2002-1770. State ex rel. Ohio Dept. of Mental Health v. Nadel.

Hamilton App. No. C-020255, 2002-Ohio-4449. This cause is pending before the court as an appeal from the Court of Appeals for Hamilton County. It appears from the records of this court that appellant, Dr. Stewart M. Harris, has not filed a merit brief, due December 9, 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 the appeal of Dr. Stewart M. Harris be, and hereby is, dismissed, sua sponte.

IT IS FURTHER ORDERED by the court that the appeals of Judge Norbert A. Nadel and Judge Richard A. Bernat remain pending.