

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

June 14, 2004

MOTION AND PROCEDURAL RULINGS

2003-1325. State v. Hand.

Delaware C.P. No. 02CRI08366. This cause is pending before the court as a death penalty appeal from the Court of Common Pleas of Delaware County. Upon consideration of the joint motion to supplement the record,

IT IS ORDERED by the court that the motion be, and hereby is, granted, and that the Clerk of the Delaware County Court of Common Pleas certify and transmit the following item to the Clerk of this court within 20 days of the date of this entry: a complete transcript of the testimony of Detective Brian Blair.

2004-0010. Brown v. Travelers Ins. Co.

Stark App. No. 2003CA00078, 2003-Ohio-6151. This cause is pending before the court as a discretionary appeal and claimed appeal of right. On January 2, 2004, appellant filed a notice that a motion to certify a conflict was pending in the court of appeals and, pursuant to S.Ct.Prac.R. IV(4)(A), this court stayed consideration of the jurisdictional memoranda filed in this appeal. Whereas appellant has neither notified this court that the court of appeals determined that a conflict does not exist as provided by S.Ct.Prac.R. IV(4)(B) nor filed a copy of the court of appeals' order certifying the existence of a conflict as provided by S.Ct.Prac.R. IV(4)(C),

IT IS ORDERED by the court, sua sponte, that appellant show cause within ten days of the date of this entry why this court should not proceed to

consider the jurisdictional memoranda in this appeal pursuant to S.Ct.Prac.R. III(6).

2004-0586. State v. Drummond.

Mahoning C.P. No. 03CR358. This cause is pending before the court as a death penalty appeal from the Court of Common Pleas of Mahoning 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 that the time for transmitting the record be extended to August 6, 2004.

APPEALS ACCEPTED FOR REVIEW

2004-0373. All Kelley & Ferraro Asbestos v. Amchem Products, Inc.

Cuyahoga App. No. 82424, 2003-Ohio-7239. Upon consideration of the jurisdictional memoranda filed in this case, and the motion for admission pro hac vice of Frank J. Santoro, Karen M. Crowley, and John M. Ryan Jr., by Eric H. Zagrans, the court hereby accepts the appeal.

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

IT IS ORDERED by the court, sua sponte, that this cause be held for the decision in Supreme Court case No. 2003-1653, *In re All Kelley & Ferraro Asbestos Cases*, Cuyahoga App. Nos. 78158, 78159, 78299, 78301, 80083, 80332, 80673, and 81576, 153 Ohio App.3d 458, 2003-Ohio-3936.

IT IS FURTHER ORDERED by the court that the motion for admission pro hac vice be, and hereby is, granted.

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

IT IS FURTHER ORDERED by the court, that the briefing schedule be stayed.

Peggy Bryant, J., of the Tenth Appellate District, sitting for Resnick, J.

RECONSIDERATION OF PRIOR DECISIONS

2004-0559. Auction Properties, Inc. v. Columbiana Cty. Bd. of Revision.

Board of Tax Appeals, No. 2003-G-183. Reported at 102 Ohio St.3d 1427, 2004-Ohio-2175, 807 N.E.2d 370.

IT IS ORDERED by the court that the motion for reconsideration in this case be, and hereby is, granted.

IT IS FURTHER ORDERED by the court that this appeal be reinstated and referred to mediation.

MISCELLANEOUS DISMISSALS

2004-0632. State ex rel. Rodgers v. Henson.

Richland App. No. 04CA26. This cause is pending before the court as an appeal from the Court of Appeals for Richland County. It appears from the records of this court that appellant has not filed a merit brief, due June 7, 2004, in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

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

MEDIATION REFERRALS

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

2004-0701. State ex rel. Stacy v. Batavia Local School Dist. Bd. of Edn.

Clermont App. No. CA2000-10-077, 157 Ohio App.3d 34, 2004-Ohio-2067.
