

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

July 16, 2004

MOTION AND PROCEDURAL RULINGS

2004-0448. State ex rel. Plain Dealer Publishing Co. v. Cleveland.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. Upon consideration of relator's motion for leave to submit fewer than 12 copies of Commemorative Cleveland Police Photo Album, History of Cleveland Police Album, and videotape of awards ceremony and relator's motion for leave to file under seal a copy of Police Officer Joseph Hageman's photo identification card,

IT IS ORDERED by the court that the motions be, and hereby are, granted.

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

Board of Tax Appeals, No. 2003-G-183. This cause is pending before the court as an appeal from the Board of Tax Appeals. Upon consideration of the joint motion to remand case to the Board of Tax Appeals,

IT IS ORDERED by the court that the motion to remand be, and hereby is, granted, and that this cause be remanded to the Board of Tax Appeals to implement the settlement agreement of the parties.

IT IS FURTHER ORDERED that costs be assessed pursuant to S.Ct.Prac.R. XI(5), that a mandate be sent to the Board of Tax Appeals to carry this judgment into execution, and that a copy of this entry be certified to the Board of Tax Appeals for entry.

2004-0601. State ex rel. Ohio Coalition Against Gun Violence v. Alexander.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. Upon consideration of the motion of Darrell M. Pierre Jr. to withdraw as counsel for intervening respondent Ohio Attorney General Jim Petro,

IT IS ORDERED by the court that the motion to withdraw as counsel be, and hereby is, granted.

2004-0887. UCAR Carbon Co. v. Cuyahoga Cty. Bd. of Revision.

Board of Tax Appeals, No. 2002-G-2508. This cause is pending before the court as an appeal from the Board of Tax Appeals.

IT IS ORDERED by the court, sua sponte, that the briefing schedule be extended to the extent that appellant's merit brief be due August 27, 2004.

2004-0888. UCAR Carbon Co. v. Cuyahoga Cty. Bd. of Revision.

Board of Tax Appeals, No. 2002-G-2704. This cause is pending before the court as an appeal from the Board of Tax Appeals.

IT IS ORDERED by the court, sua sponte, that the briefing schedule be extended to the extent that appellant's merit brief be due August 27, 2004.

2004-1102. State ex rel. Johnson v. Ohio Adult Parole Auth.

Franklin App. No. 03AP-466, 2004-Ohio-2648. This cause was filed as a discretionary appeal and claimed appeal of right. Upon consideration of appellant's jurisdictional memorandum, it is determined by the court that this cause originated in the court of appeals and therefore should proceed as an appeal of right pursuant to S.Ct.Prac.R. II(1)(A)(1).

IT IS ORDERED by the court that the Clerk shall issue an order for the transmittal of the record from the Court of Appeals for Franklin County. Appellant shall file his merit brief within 40 days of the filing of the record with the Clerk of this court, and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. VI.

RECONSIDERATION OF PRIOR DECISIONS

1990-1780. State ex rel. Internatl. Union of Operating Engineers v. Cleveland.

Cuyahoga App. No. 57729. Reported at 102 Ohio St.3d 1419, 2004-Ohio-2003, 807 N.E.2d 365. The motion for reconsideration is denied for want of four votes on the following vote:

Resnick and O'Connor, JJ., vote to deny the motion.

Lundberg Stratton, J., votes to strike the motion.

O'Donnell, J., votes to strike the motion because it is precluded by S.Ct.Prac.R. XI(2).

Moyer, C.J., F.E. Sweeney and Pfeifer, JJ., vote to grant the motion.

DISCIPLINARY CASES

2004-0809. Disciplinary Counsel v. O'Neill.

Upon consideration of respondent's motion to continue oral argument currently scheduled for August 17, 2004,

IT IS ORDERED by the court that the motion to continue oral argument be, and hereby is, denied.

MISCELLANEOUS DISMISSALS

2004-0661. Erb v. Griffin.

Cuyahoga App. No. 84367, 2004-Ohio-1790. This cause is pending before the court as an appeal from the Court of Appeals for Cuyahoga County. It appears from the records of this court that appellant has not filed a merit brief, due July 1, 2004, 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.

2004-0685. Louis v. Ohio Adult Parole Auth.

Montgomery App. No. CA20194. This cause is pending before the court as an appeal from the Court of Appeals for Montgomery County. It appears from the records of this court that appellant has not filed a merit brief, due July 6, 2004, 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.

2004-0939. State ex rel. Gannett Satellite Info. Network, Inc. v. Zanesville-Muskingum Cty. Port Auth.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. Upon consideration of relator's 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.

MEDIATION REFERRALS

2004-1078. Cleveland Mun. School Dist. Bd. of Edn. v. Cuyahoga Cty. Bd. of Revision.

Board of Tax Appeals, Nos. 2002-R-2641 and 2002-R-2642. This court refers this case to mediation under S.Ct.Prac.R. XI(6) and stays the briefing schedule for this case until further notice. The court will not issue any decision on the merits of this case until mediation has concluded. The lifting of this stay of briefing or the return of this case to the court's regular docket will begin de novo the time for briefing prescribed in S.Ct.Prac.R. VI.
