

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

May 25, 2005

[Cite as *05/25/2005 Case Announcements, 2005-Ohio-2447.*]

MERIT DECISIONS WITH OPINIONS

2002-2241. State v. Monroe, 2005-Ohio-2282.

Franklin C.P. No. 01CR04-2118. Judgment affirmed.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

2003-0804. Cleveland Mun. School Dist. Bd. of Edn. v. Cuyahoga Cty. Bd. of Revision, 2005-Ohio-2285.

Board of Tax Appeals, Nos. 2002-V-2168, 2002-V-2172, 2002-V-2398, and 2002-V-2399. Decision affirmed in part and vacated in part.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

2003-1003. E. Liverpool v. Columbiana Cty. Budget Comm., 2005-Ohio-2283.

Board of Tax Appeals, No. 2002-T-1584. Decision affirmed.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

2004-0389. Ferrone v. Medina Cty. Bd. of Revision, 2005-Ohio-2284.

Board of Tax Appeals, Nos. 2002-A-2810 and 2003-A-1070. Decision affirmed.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

2004-1073 and 2004-1074. State v. Haven, 2005-Ohio-2286.

Wayne App. No. 02CA0069, 2004-Ohio-2512. Judgment reversed and cause remanded.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor and Lanzinger, JJ., concur.
O'Donnell, J., dissents.

MERIT DECISIONS WITHOUT OPINIONS

2005-0440. State ex rel. Bozsik v. Collier.

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

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

2005-0464. State ex rel. Wilson v. Ohio Dept. of Rehab. & Corr.

In Mandamus. On answer of respondents. On S.Ct.Prac.R. X(5) determination, cause dismissed.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor and Lanzinger, JJ., concur.

O'Donnell, J., dissents.

2005-0465. State ex rel. Fried v. Jones.

In Mandamus. On answer and motion for summary judgment of respondent. On S.Ct.Prac.R. X(5) determination, cause dismissed.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

2005-0470. State ex rel. Lewis v. Benjamin.

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

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

2005-0496. State ex rel. Clark v. Stuard.

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

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

2005-0504. State ex rel. Am. Church Builders, L.L.C. v. Holbrook.

In Procedendo. On answer of respondent. On S.Ct.Prac.R. X(5) determination, cause dismissed.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

2005-0510. Baumgartner v. Faulkner.

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

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

2005-0515. State ex rel. Greer v. Faulkner.

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

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

2005-0579. State ex rel. King v. Boyko.

In Mandamus. On answer and motion for summary judgment of respondent. On S.Ct.Prac.R. X(5) determination, cause dismissed.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

2005-0607. Gauntt v. Jeffreys.

In Habeas Corpus. On petition for writ of habeas corpus of Barry Gauntt. Sua sponte, cause dismissed.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

2005-0650. Wallace v. Jeffries.

In Habeas Corpus. On petition for writ of habeas corpus of Joel Wallace. Sua sponte, cause dismissed.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

MOTION AND PROCEDURAL RULINGS

1989-0722. State v. Spirko.

Van Wert App. No. 15-84-22. On motion to set execution date. Motion granted. Execution to be carried out on September 20, 2005.

2003-1572. State ex rel. Howard v. Indus. Comm.

Franklin App. No. 97AP-860. On motion for nunc pro tunc correction of the court's March 28, 2005 entry. Motion denied. Motion of Industrial Commission of Ohio to strike appellant's motion denied as moot.

2004-1795. ARFO Columbus, L.L.C. v. Franklin Cty. Bd. of Revision.

Board of Tax Appeals, Nos. 2003-M-1404, 2003-M-1405, 2003-M-1406, 2003-M-1407, 2003-M-1411, and 2003-M-1412. On joint motion to vacate the decision and order of the Board of Tax Appeals and to remand the cause to the Franklin County Board of Revision. Motion granted.

2004-1796. Benton Columbus Partners, L.P. v. Franklin Cty. Bd. of Revision.

Board of Tax Appeals, Nos. 2002-J-2341, 2002-J-2342, and 2002-J-2343. On joint motion to vacate the decision and order of the Board of Tax Appeals and to remand the cause to the Franklin County Board of Revision. Motion granted.

2005-0150. Lewis v. J.E. Wiggins & Co.

Franklin App. Nos. 04AP-469, 04AP-544, and 04AP-668, 2004-Ohio-6724. This cause came on for further consideration of appellee's motion for sanctions for frivolous action and motion for an order declaring appellants vexatious litigators, and appellants' motion to dismiss or, in the alternative, for an order to amend commingled motions for sanctions and for an order declaring appellants vexatious litigators, motion to remand the instant case to trial court for its findings of facts and conclusions of law regarding compliance with statutes, and motion for order declaring The Huntington National Bank and its counsel vexatious litigators. Upon consideration thereof,

IT IS ORDERED by the court that appellee's motion for sanctions for frivolous action be, and hereby is, granted. The motion for an order declaring appellants vexatious litigators is denied as moot, since appellants were deemed vexatious litigators by this court on May 11, 2005.

IT IS FURTHER ORDERED by the court, sua sponte, that appellee shall file a bill and documentation in support of an award for attorney fees, in accordance with the guidelines set forth in DR 2-106, within 20 days of the date of this entry; appellants may file objections to appellee's bill and documentation within 10 days of the filing of the bill and documentation; appellee may file a reply to appellants' objections, if any, within 5 days of the filing of the objections.

IT IS FURTHER ORDERED by the court that all of appellants' motions be, and hereby are, denied as moot.

Pfeifer, J., dissents and would deny the motion for sanctions for frivolous action.

2005-0378. Pilkington N. Am., Inc. v. Travelers Cas. & Sur. Co.

Certified Question of State Law, No. 3:01CV7617. On motion for admission pro hac vice of Patricia B. Santelle, Peter F. Rosenthal, and Joseph M. Kuffler by David Schaefer. Motion granted.

2005-0594. State v. Armstrong.

Montgomery App. No. 19655, 2005-Ohio-432. On motion for leave to file delayed appeal. Motion granted.

Resnick and O'Connor, JJ., dissent.

2005-0597. State v. Stillman.

Delaware App. No. 04CAA07052, 2004-Ohio-6974. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lanzinger, JJ., dissent.

2005-0600. State v. Chavers.

Wayne App. No. 04CA0022, 2005-Ohio-714. On motion for stay of court of appeals' judgment. Motion denied.

Moyer, C.J., and O'Donnell, J., dissent.

2005-0652. RPM, Inc. v. Oatey Co.

Medina App. Nos. 3282-M and 3289-M, 2005-Ohio-1280. On motion for stay of court of appeals' judgment. Motion granted provided that appellant shows that its statutorily compliant bond posted in 2003-0423, *RPM, Inc. v. Oatey Co.*, remains in effect.

Resnick, J., dissents.

2005-0658. New World Communications of Ohio, Inc. v. Wilkins.

Board of Tax Appeals, Nos. 2003-A-1732 and 2003-A-1733. On motion for admission pro hac vice of David A. Shuster by J. Richard Emens. Motion granted.

APPEALS ACCEPTED FOR REVIEW

2005-0103. Lorince v. Universal Underwriters.

Cuyahoga App. No. 83711, 2004-Ohio-6287. Discretionary appeal accepted.

Resnick, J., dissents.

Discretionary cross-appeal accepted.

O'Donnell, J., would accept the cross-appeal on Proposition of Law No. I.

Resnick, J., dissents.

2005-0227. Norwood v. Horney.

Hamilton App. No. C-040683. Discretionary appeal accepted. Sua sponte, cause consolidated with 2005-0228, *Norwood v. Gamble*, Hamilton App. No. C-040783, for briefing, argument, and decision.

Resnick, J., dissents.

On motions for admission pro hac vice of William H. Meller, Dana Berliner, Scott Bullock, Robert W. Gall, and David Roland by Robert P. Malloy. Motions granted.

2005-0228. Norwood v. Gamble.

Hamilton App. No. C-040783. Discretionary appeal accepted. Sua sponte, cause consolidated with 2005-0227, *Norwood v. Horney*, Hamilton App. No. C-040683, for briefing, argument, and decision.

Resnick, J., dissents.

On motions for admission pro hac vice of William H. Mellor, Dana Berliner, Robert W. Gall, Scott Bullock, and David Roland by Robert P. Malloy. Motions granted.

2005-0234. State v. Barnette.

Mahoning App. No. 02 CA 65, 2004-Ohio-7211 and 2005-Ohio-477. Discretionary appeal accepted on Proposition of Law No. III; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

Resnick, J., dissents.

Discretionary cross-appeal not accepted.

2005-0272. Fowee v. Wesley Hall, Inc.

Hamilton App. No. C-040188, 2004-Ohio-7002.

Resnick and Pfeifer, JJ., dissent.

2005-0293. Glidden Co. v. Lumbermens Mut. Cas. Co.

Cuyahoga App. No. 81782, 2004-Ohio-6922. Discretionary appeal accepted.

Resnick, O'Connor and Lanzinger, JJ., dissent.

On motion for admission pro hac vice of H. Christopher Bartolomucci by Kevin M. Young; motion for admission pro hac vice of John B. Haarlow, Michael P. Comiskey and Daniel S. Lambert by Dennis J. Bartek; motion for admission pro hac vice of Judith Fornie Helms by Holly Marie Wilson; motion for admission pro hac vice of Brian A. Frankl by David J. Fagnilli; motion for admission pro hac vice of William G. Passannante and Cathleen Cinella Tylis by Drew A. Carson; and

motion for admission pro hac vice of Laura A. Foggan and John C. Yang by Stephen F. Gladstone. Motions granted.

2005-0296. State v. Morales.

Lake App. No. 2003-L-025, 2004-Ohio-7239. Discretionary appeal accepted on Proposition of Law No. III; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed. Resnick and Pfeifer, JJ., dissent.

2005-0311. State Auto. Mut. Ins. Co. v. Titanium Metals Corp.

Cuyahoga App. No. 83540, 159 Ohio App.3d 338, 2004-Ohio-6618. Resnick, Pfeifer and O'Donnell, JJ., dissent.

2005-0316. State v. Curd.

Lake App. No. 2003-L-030, 2004-Ohio-7222. Discretionary appeal accepted on Proposition of Law No. I; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed. Resnick and Pfeifer, JJ., dissent.

2005-0329. State v. Gondor.

Portage App. No. 2002-P-0073, 2004-Ohio-7219. Discretionary appeal accepted. Sua sponte, cause consolidated with 2005-0336, *State v. Resh*, Portage App. No. 2002-P-0074, 2004-Ohio-7220, for argument and decision. Resnick, Lundberg Stratton and O'Donnell, JJ., dissent.

2005-0331. Whitaker v. M.T. Automotive, Inc.

Summit App. No. 21836, 2004-Ohio-7166. Discretionary appeal accepted, Resnick and Lundberg Stratton, JJ., dissent.

On motion for admission pro hac vice of Thomas D. Domonoske by Ronald L. Burdge. Motion granted.

2005-0334. Hinkle v. Cleveland Clinic Found.

Cuyahoga App. No. 83721, 159 Ohio App.3d 351, 2004-Ohio-6853. Discretionary appeal accepted on Proposition of Law III.

Pfeifer, J., would accept the appeal on all propositions of law.

O'Connor and Lanzinger, JJ., would accept the appeal and also hold the cause for the decision in 2004-0048, *Beard v. Meridia Hospital*, Cuyahoga App. No. 82541, 2003-Ohio-5929.

Lundberg Stratton and O'Donnell, JJ., dissent.

2005-0336. State v. Resh.

Portage App. No. 2002-P-0074, 2004-Ohio-7220. Discretionary appeal accepted. Sua sponte, cause consolidated with 2005-0329, *State v. Gondor*, Portage App. No. 2002-P-0073, 2004-Ohio-7219, for argument and decision.

Resnick, Lundberg Stratton and O'Donnell, JJ., dissent.

2005-0338. State v. Bezak.

Cuyahoga App. No. 84008, 2004-Ohio-6623. Discretionary appeal accepted on Proposition of Law I; cause held for the decisions in 2004-1171, *State v. Mathis*, Cuyahoga App. No. 83311, 2004-Ohio-2982, and 2004-1267, *State v. Fair*, Cuyahoga App. No. 82278, 2004-Ohio-2971; and briefing schedule stayed.

Pfeifer and O'Donnell, JJ., dissent.

2005-0339. State v. Ferguson.

Hamilton App. No. C-040114, 2004-Ohio-7132. Discretionary appeal accepted on Proposition of Law No. II; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

Resnick, J., dissents.

2005-0371. State v. Rowles.

Summit App. No. 22007, 2005-Ohio-14. Discretionary appeal accepted on Proposition of Law No. I; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

Resnick, J., dissents.

2005-0380. State v. Jenkins.

Summit App. No. 22008, 2005-Ohio-11. Discretionary appeal accepted on Proposition of Law No. II; cause held for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209; and briefing schedule stayed.

Resnick and Pfeifer, JJ., dissent.

2005-0386. Lobdell v. Lobdell.

Licking App. No. 2004 CA 0036, 2005-Ohio-80. Discretionary appeal accepted; cause held for the decision in 2004-1492 and 2004-1647, *Estate of Harrold v.*

Collier, Wayne App. No. 03CA0064, 2004-Ohio-4331; and briefing schedule stayed.

Resnick, J., would accept the appeal without holding.

Pfeifer and Lundberg Stratton, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2004-2060. State v. McKinney.

Defiance App. No. 4-04-12, 2004-Ohio-5518.

2004-2097. State v. Franklin.

Stark App. No. 2003CA00442, 2004-Ohio-5398.

2005-0064. State v. Goins.

Butler App. No. CA2004-01-004.

2005-0182. State v. Schmiesing.

Darke App. No. 1640, 2005-Ohio-56.

2005-0274. Ols v. Ols.

Cuyahoga App. No. 85381.

2005-0277. RFC Capital Corp. v. EarthLink, Inc.

Franklin App. No. 03AP-735, 2004-Ohio-7046. Discretionary appeal not accepted.

Lundberg Stratton, J., dissents.

Discretionary cross-appeal not accepted.

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

Lanzinger, J., dissents and would accept the cross-appeal on Propositions of Law Nos. I and II.

On motion for admission pro hac vice of Cary Ichter and Steven Paul Smith by John T. Sunderland. Motion granted.

2005-0281. Cincinnati Ins. Co. v. Preserving Affordable Housing, Inc.

Hamilton App. No. C-040006, 2004-Ohio-7128. Discretionary appeal not accepted. Motion to remand denied as moot.

Pfeifer, J., dissents.

2005-0286. In re R.K.

Cuyahoga App. No. 84948, 2004-Ohio-6918.

Lundberg Stratton, J., dissents.

2005-0288. Armentrout v. Tokio Marine & Fire Ins. Co., Ltd.

Portage App. No. 2003-P-0134, 159 Ohio App.3d 404, 2004-Ohio-7246.
Pfeifer, J., dissents.

2005-0292. Rogers v. Huntington Natl. Bank.

Madison App. No. CA2004-03-005, 2004-Ohio-7045.
Pfeifer, J., dissents.

2005-0294. Krancevic v. McPherson.

Cuyahoga App. No. 84511, 2004-Ohio-6915.

2005-0295. In re Guardianship of Rinehart.

Montgomery App. No. 20376.

2005-0297. State v. Galloway.

Lucas App. No. L-05-1024.

2005-0298. State v. Donald.

Cuyahoga App. Nos. 81570 and 83947, 2004-Ohio-6848.

2005-0299. Robertson v. Roberts.

Trumbull App. No. 2003-T-0125, 2004-Ohio-7231.
O'Connor, J., dissents.

2005-0301. Cleveland v. Cooper-Hill.

Cuyahoga App. No. 84164, 2004-Ohio-6920.

2005-0303. Cleveland v. Badock.

Cuyahoga App. No. 84163, 2004-Ohio-6625.
O'Donnell, J., dissents.

2005-0305. Ohio Assn. of Pub. School Emp. v. School Emp. Retirement Sys. Bd.

Franklin App. No. 04AP-136, 2004-Ohio-7101.

Moyer, C.J., dissents and would accept the discretionary appeal on Propositions of Law Nos. II and III.

Pfeifer, J., dissents.

2005-0306. State v. Patterson.

Richland App. No. 04 CA 101.

2005-0309. State v. Ware.

Franklin App. No. 04AP-43, 2004-Ohio-6984.

Pfeifer, J., dissents.

2005-0312. Benjamin v. Credit Gen. Ins. Co.

Franklin App. No. 03AP-1117, 2004-Ohio-7193. Discretionary appeal not accepted.

Pfeifer, J., dissents.

On motion for admission pro hac vice of Harold S. Horwich and Stephen M. Hryniewicz by Mark D. Tucker. Motion granted.

2005-0315. State v. Castillo.

Cuyahoga App. No. 84143, 2005-Ohio-93.

2005-0322. In re Application for Correction of Birth Record of Lopez.

Tuscarawas App. No. 2004-AP-06 0046, 2004-Ohio-7305.

Pfeifer, J., dissents.

2005-0323. State v. Arias.

Lorain App. No. 04CA008428, 2004-Ohio-4443.

2005-0324. In re Guardianship of Matyaszek.

Summit App. No. 21897, 159 Ohio App.3d 424, 2004-Ohio-7167.

Lanzinger, J., dissents and would accept the discretionary appeal on Propositions of Law Nos. I and II.

O'Connor, J., not participating.

2005-0325. State v. Hardy.

Cuyahoga App. No. 84701, 2005-Ohio-114.

O'Donnell, J., not participating.

2005-0326. Crow v. Nationwide Mut. Ins. Co.

Fairfield App. No. 04 CA 21, 159 Ohio App.3d 417, 2004-Ohio-7117.

Pfeifer, J., dissents.

2005-0330. Gehring v. Archdiocese of Cincinnati.

Hamilton App. No. C-040259.

Pfeifer, J., dissents.

2005-0332. Kott Ent., Inc. v. Brady.

Lucas App. No. L-03-1342, 2004-Ohio-7160.

Pfeifer, J., dissents.

Lanzinger, J., not participating.

2005-0333. Performance Tool Group, Inc. v. Silverton Bd. of Zoning Appeals.

Hamilton App. No. C-040232, 2004-Ohio-7125.

2005-0335. Ottawa Hills v. Afjeh.

Lucas App. No. L-02-1364, 2004-Ohio-7154.

Lanzinger, J., not participating.

2005-0340. S.H.Y., Inc. v. Garman.

Union App. No. 14-04-04, 2004-Ohio-7040.

2005-0342. State v. Jenkins.

Hamilton App. No. C-040111, 2004-Ohio-7131.

Pfeifer and O'Connor, JJ., dissent.

2005-0351. State v. Inskeep.

Champaign App. No. 2003 CA 22, 2004-Ohio-4927.

2005-0355. Speedway Super Am. L.L.C. v. Granville Village Council.

Licking App. No. 04CA51, 2005-Ohio-82.

Lundberg Stratton, J., dissents.

2005-0356. Coleman v. E. Cleveland City School Dist. Bd. of Edn.

Cuyahoga App. Nos. 84328 and 84636, 2004-Ohio-7019.

2005-0358. State v. Cunningham.

Hancock App. No. 5-04-41.

2005-0359. Charter Broadcast Group Ltd. v. K-Country, Inc.

Ashland App. No. 04-COA-033, 2005-Ohio-168.

2005-0366. Knowles v. Mercurio Custom Homes, Inc.

Hamilton App. No. C-040025, 2005-Ohio-33.

2005-0368. Lewis v. J.E. Wiggins & Co.

Franklin App. Nos. 04AP-469, 04AP-544, and 04AP-668, 2004-Ohio-6724.

2005-0372. Temple v. Dayton.

Montgomery App. No. 20211, 2005-Ohio-57.

2005-0373. State v. Byrd.

Cuyahoga App. No. 85421.

2005-0383. Aycox v. Columbus Bd. of Edn.

Franklin App. No. 03AP-1285, 2005-Ohio-69.

2005-0384. State v. Gray.

Cuyahoga App. No. 84677, 2004-Ohio-7030.

2005-0387. Deskins v. Bd. of Licking Cty. Commrs.

Licking App. No. 04CA52, 2005-Ohio-83.

Lundberg Stratton and O'Connor, JJ., dissent.

2005-0388. State v. Smith.

Butler App. No. CA2004-02-039, 2005-Ohio-63.

2005-0389. Architectural Interior Prod., Inc. v. Miarer Transp., Inc.

Muskingum App. No. 2004 CA 0027, 2005-Ohio-170.

2005-0413. State v. Perry.

Cuyahoga App. No. 84397, 2005-Ohio-27.

Moyer, C.J., Lundberg Stratton and O'Donnell, JJ., dissent and would accept the appeal and hold the cause for the decisions in 2004-1771, *State v. Quinones*, Cuyahoga App. No. 83720, 2004-Ohio-4485, and 2004-1568, *State v. Foster*, Licking App. No. 03CA95, 2004-Ohio-4209.

2005-0417. Duvall v. J & J Refuse.

Stark App. No. 2004CA00008, 2005-Ohio-223.

2005-0427. State v. Harper.

Franklin App. Nos. 00AP-23, 00AP-24, 00AP-25, 00AP-26, and 00AP-27.

2005-0432. State v. Grimes.

Hamilton App. No. C-030922, 2005-Ohio-203.

2005-0435. In re Estate of Wilkerson.

Summit App. No. 22049, 2005-Ohio-159.

2005-0437. State v. Day.

Cuyahoga App. No. 79368, 2005-Ohio-281.

2005-0444. State v. Jones.

Marion App. No. 9-04-53.

2005-0449. State v. Kenard.

Montgomery App. No. 20858.

2005-0455. Stewart v. Stewart.

Portage App. Nos. 2003-P-0094 and 2003-P-0122, 2005-Ohio-346.

2005-0471. State v. Bunting.

Stark App. No. 2004CA00259, 2005-Ohio-497.

2005-0494. State v. Pimental.

Cuyahoga App. No. 84034, 2005-Ohio-384.

2005-0508. State v. Kitzler.

Wyandot App. No. 16-04-13, 2005-Ohio-425.

2005-0609. In re Adoption of Brianna Marie D.

Lucas App. No. L-04-1367, 2005-Ohio-797.

Lanzinger, J., dissents.

2005-0641. State v. Dean.

Delaware App. No. 03CA31, 2004-Ohio-1744.

2005-0661. In re B.L.

Franklin App. No. 04AP-1108, 2005-Ohio-1151.

Lanzinger, J., dissents and would accept the appeal on Proposition of Law No. V.

2005-0690. In re Bray.

Franklin App. No. 04AP-842, 2005-Ohio-1540.

Moyer, C.J., dissents.

Lanzinger, J., dissents and would accept the appeal on Proposition of Law No. I.

RECONSIDERATION OF PRIOR DECISIONS

2004-0478. State ex rel. S. Rosenthal Co., Inc. v. Indus. Comm.

Franklin App. No. 03AP-113, 2004-Ohio-549. Reported at 105 Ohio St.3d 176, 2005-Ohio-1148, 824 N.E.2d 67. On motion for reconsideration. Motion denied.

Resnick and Pfeifer, JJ., dissent.

2004-1227. Ohio Consumers' Counsel v. Pub. Util. Comm.

Public Utilities Commission, Nos. 03-1459-GAA-TA, 94-987-GAA-IR, 96-1113-GAA-TA, and 98-222-GAG-CR. Reported at 105 Ohio St.3d 1211, 2005-Ohio-1023, 823 N.E.2d 872. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

2004-1332. State ex rel. Harris. v. Horvath.

Lorain App. No. 03CA008403. Reported at 105 Ohio St.3d 185, 2005-Ohio-1149, 824 N.E.2d 76. On motion for reconsideration. Motion denied.

2004-2136. Cuyahoga Cty. Veterans Serv. Comm. v. State.

Franklin App. No. 03AP-1251, 2004-Ohio-6124. Reported at 105 Ohio St.3d 1470, 2005-Ohio-1186, 824 N.E.2d 540. On motion for reconsideration. Motion denied.

O'Connor, O'Donnell and Lanzinger, JJ., dissent.

2005-0186. Hawk v. Am. Elec. Power Co.

Allen App. No. 1-04-65, 2004-Ohio-7042. Reported at 105 Ohio St.3d 1473, 2005-Ohio-1186, 824 N.E.2d 542. On motion for reconsideration. Motion denied.

DISCIPLINARY CASES

2005-0398. Disciplinary Counsel v. Watson.

On motion to strike objections and brief in support. Motion denied.

Moyer, C.J., Lundberg Stratton and O'Connor, JJ., dissent.