

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

September 15, 2005

[Cite as *09/15/2005 Case Announcements, 2005-Ohio-4803.*]

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## MOTION AND PROCEDURAL RULINGS

### **1997-1497. State v. Ashworth.**

Licking C.P. No. 96CR356. By entry filed July 13, 2005, this court ordered that appellant's sentence be carried into execution on Tuesday, the 27th day of September, 2005. In order to facilitate this court's timely consideration of any matters relating to the execution of appellant's sentence,

IT IS ORDERED by the court that the Chief Justice may suspend application of any provisions of the Rules of Practice of the Supreme Court, including, but not limited to, the filing requirements imposed by S.Ct.Prac.R. XIV(1).

IT IS FURTHER ORDERED by the court that service of documents as required by S.Ct.Prac.R. XIV(2) shall be personal or by facsimile transmission.

IT IS FURTHER ORDERED by the court that counsel of record for the parties shall supply this court with a copy of any document relating to this matter that is filed in, or issued by, any other court in this state or any federal court, as well as any commutation, pardon, or warrant of reprieve issued by the Governor. A copy of the document shall be delivered to the Office of the Clerk as soon as possible, either personally or by facsimile transmission.

### **2004-1993. Consumers' Counsel v. Pub. Util. Comm.**

Public Utilities Commission, No. 03-2144-EL-ATA. This cause is pending before the court on appeal from the Public Utilities Commission of Ohio. Upon consideration of intervening appellees' motions to consolidate this case with 2005-0118, *Maumee v. Pub. Util. Co.*, Public Utilities Commission, No. 03-2144-EL-ATA, for the purposes of oral argument, and to extend time for oral argument,

IT IS ORDERED by the court that the motions are granted and the time for oral argument is extended to 20 minutes per side.

**2004-2128. Payphone Assn. of Ohio v. Pub. Util. Comm.**

Public Utilities Commission, No. 96-1310-TP-COI. This cause is pending before this court as an appeal from the Public Utilities Commission of Ohio. To facilitate the orderly progression of oral argument scheduled for October 25, 2005,

IT IS ORDERED by the court that argument shall proceed as follows: Appellant/cross-appellee's case-in-chief; appellee/cross-appellant's case-in-chief; appellee/cross-appellee's argument in response to the appeal and cross-appeal; appellant/cross-appellee's rebuttal, if any; appellee/cross-appellant's rebuttal, if any.

IT IS FURTHER ORDERED that each party shall be allotted fifteen minutes of argument time.

**2005-0118. Maumee v. Pub. Util. Comm.**

Public Utilities Commission, No. 03-2144-EL-ATA. This cause is pending before the court on appeal from the Public Utilities Commission of Ohio. Upon consideration of the motions for leave to intervene as appellees of FirstEnergy Corp. and Industrial Energy Users-Ohio,

IT IS ORDERED that motions for leave to intervene are granted.

Upon consideration of intervening appellees' motions to consolidate this case with 2004-1993, *Consumers' Counsel v. Pub. Util. Comm.*, Public Utilities Commission, No. 03-2144-EL-ATA, for the purposes of oral argument, and to extend time for oral argument,

IT IS ORDERED by the court that the motions are granted and the time for oral argument is extended to 20 minutes per side.

**2005-0154. Sherrills v. Ohio Adult Parole Auth.**

Cuyahoga App. No. 84522, 2004-Ohio-6916. This cause came on for further consideration of appellant's motion for relief from judgment. Upon consideration thereof,

IT IS ORDERED by the court that the motion is denied.

**2005-0254. Veard Kettering Ltd. Partnership v. Montgomery Cty. Bd. of Revision.**

Board of Tax Appeals, No. 2002-R-1393. This cause is pending before the court as an appeal from the Board of Tax Appeals. Upon consideration of the parties' joint motion to remand this cause to the Board of Tax Appeals,

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

**2005-1667. State ex rel. Rowe v. McCown.**

Lawrence App. No. 05CA24. 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 Lawrence County. Appellant shall file his merit brief within forty 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.

**MISCELLANEOUS DISMISSALS**

**2005-1141. State ex rel. Signer v. Russo.**

Cuyahoga App. No. 86007, 2005-Ohio-2468. 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 September 12, 2005, 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.

**2005-1348. Gambill v. Williams.**

Allen App. No. 1-05-32. This cause is pending before the court as an appeal from the Court of Appeals for Allen County. It appears from the records of this court that appellant has not filed a merit brief, due September 12, 2005, 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.

**2005-1364. Akron Metro. Hous. Auth. v. Local 2517, Am. Fedn. of State, Cty., and Mun. Emp., AFL-CIO.**

Summit App. No. 22365, 161 Ohio App.3d 594, 2005-Ohio-2965. This cause is pending before the court as a discretionary appeal. Upon consideration of appellants' application for dismissal,

IT IS ORDERED by the court that the application for dismissal is granted. Accordingly, this cause is dismissed.

### MEDIATION REFERRALS

The following case has been referred to mediation pursuant to S.Ct.Prac.R. XIV(6):

**2005-1568. State ex rel. Wheeler v. Ohio Dept. of Transp.**  
Franklin App. No. 04AP-662, 2005-Ohio-3786.

### ADMINISTRATIVE ACTIONS

In re: Emergency Order Regarding  
the Practice of Law from Ohio by  
Lawyers Displaced Due to Hurricane  
Katrina

ORDER

In view of the displacement of lawyers in Louisiana, Mississippi, and Alabama by Hurricane Katrina, making it impossible to practice law in the affected areas, this court temporarily suspends the applicable provisions of the Rules for the Government of the Bar of Ohio as set forth below.

IT IS ORDERED that lawyers who have been admitted to practice in the highest courts of law in Louisiana, Mississippi, and Alabama, who are in good standing in their respective states, and who have been displaced due to Hurricane Katrina, shall be permitted to practice law from Ohio upon providing the Supreme Court of Ohio, Attorney Registration and Continuing Legal Education Section, with an application in which the lawyer certifies that he or she is in good standing with the authority regulating the practice of law in their state and, further, that they will practice in association with an Ohio lawyer who is in good standing. No fee shall be required of the lawyer subject to this order. The temporary authority to practice law from Ohio will be valid until midnight, March 15, 2006.

IT IS FURTHER ORDERED that the Clerk of this court is directed to docket this order and the Attorney Registration and Continuing Legal Education Section is directed to send copies of this order to the Supreme Courts and state bar associations in Louisiana, Mississippi, and Alabama.

In re: Late Registration of Lawyers  
Residing or Practicing in Louisiana,  
Mississippi, and Alabama

ORDER

In view of the displacement of lawyers in Louisiana, Mississippi, and Alabama by Hurricane Katrina, this court finds that Gov.Bar R. VI(6) shall be temporarily waived as set forth below.

IT IS ORDERED that the September 1, 2005, deadline for filing Certificates of Registration for the 2005/2007 attorney registration biennium for attorneys who are admitted to the practice of law in Ohio and who either work or live in Louisiana, Mississippi, or Alabama be extended to January 3, 2006. It is further ordered that if such attorneys file their registrations on or before January 3, 2006, they will not be assessed the \$50 late fee and will not be suspended from the practice of law in Ohio. See Gov.Bar R. VI(6)(A) and (B).