

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

December 19, 2006

[Cite as *12/19/2006 Case Announcements, 2006-Ohio-6709.*]

MERIT DECISIONS WITH OPINIONS

2006-1944. A. Schulman, Inc. v. Wilkins.

Board of Tax Appeals, No. 2004-B-370. Appeal dismissed. Cross-appeal remains pending.

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

Pfeifer, J., dissents.

MOTION AND PROCEDURAL RULINGS

2004-0485. State v. Ketterer.

Butler C.P. No. CR2003-03-0309. This cause came on for further consideration of appellant's motion for stay of execution scheduled for January 30, 2007. Upon consideration thereof,

It is ordered by the court that the motion for stay of execution is granted.

It is further ordered that this stay shall remain in effect until exhaustion of all state postconviction proceedings, including any appeals.

It is further ordered that counsel for the appellant and for the appellee shall notify this court when all proceedings for postconviction relief before the courts of this state have been exhausted.

2005-1358. State ex rel. Spohn v. Indus. Comm.

Franklin App. No. 04AP-626, 2005-Ohio-2800. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. Upon consideration of appellant's motion to strike appellees' merit briefs for improper service,

It is ordered by the court that the motion is denied.

It is further ordered, sua sponte, that appellant may file a reply brief under S.Ct.Prac.R. VI(4) within twenty days of the date of this entry.

2006-2006. State ex rel. Bd. of State Teachers Retirement Sys. of Ohio v. Davis.

Hamilton App. No. C-060760. This cause is pending before the court as an appeal from the Court of Appeals for Hamilton County. Upon consideration of appellants Medco's and Merck's motion to consolidate 2006-2006, *State ex rel. Bd. of State Teachers Retirement Sys. of Ohio v. Davis*, 2006-2169, *Bd. of State Teachers Retirement Sys. of Ohio v. Medco Health Solutions, Inc.*, 2006-2170, *Bd. of State Teachers Retirement Sys. of Ohio v. Medco Health Solutions, Inc.*, 2006-2171, *Bd. of State Teachers Retirement Sys. of Ohio v. Medco Health Solutions, Inc.*, 2006-2172, *State ex rel. Bd. of State Teachers Retirement Sys. of Ohio v. Davis*, and 2006-2173, *State ex rel. Bd. of State Teachers Retirement Sys. of Ohio v. Davis*,

It is ordered by the court that the motion is granted in part, and 2006-2006, 2006-2172, and 2006-2173 are consolidated.

It is further ordered that the parties shall combine the briefing of 2006-2006, 2006-2172, and 2006-2173 and file one brief for each permitted under S.Ct.Prac.R. VI; the parties shall file an original brief in each case and 18 copies of the brief; and the parties shall otherwise comply with the requirements of S.Ct.Prac.R. VI.

2006-2169. Bd. of State Teachers Retirement Sys. of Ohio v. Medco Health Solutions, Inc.

Hamilton App. No. C-060787. This cause is pending before the court as a discretionary appeal. Upon consideration of appellants Medco's and Merck's motion to consolidate 2006-2006, *State ex rel. Bd. of State Teachers Retirement Sys. of Ohio v. Davis*, 2006-2169, *Bd. of State Teachers Retirement Sys. of Ohio v. Medco Health Solutions, Inc.*, 2006-2170, *Bd. of State Teachers Retirement Sys. of Ohio v. Medco Health Solutions, Inc.*, 2006-2171, *Bd. of State Teachers Retirement Sys. of Ohio v. Medco Health Solutions, Inc.*, 2006-2172, *State ex rel. Bd. of State Teachers Retirement Sys. of Ohio v. Davis*, and 2006-2173, *State ex rel. Bd. of State Teachers Retirement Sys. of Ohio v. Davis*,

It is ordered by the court that the motion is granted in part, and 2006-2169, 2006-2170, and 2006-2171 are consolidated.

It is further ordered by the court, sua sponte, that this cause is held for the decisions in 2006-2006, 2006-2172, and 2006-2173, *State ex rel. Bd. of State Teachers Retirement Sys. of Ohio v. Davis*.

2006-2170. Bd. of State Teachers Retirement Sys. of Ohio v. Medco Health Solutions, Inc.

Hamilton App. No. C-060786. This cause is pending before the court as a discretionary appeal. Upon consideration of appellants Medco's and Merck's motion to consolidate 2006-2006, *State ex rel. Bd. of State Teachers Retirement Sys. of Ohio v. Davis*, 2006-2169, *Bd. of State Teachers Retirement Sys. of Ohio v. Medco Health Solutions, Inc.*, 2006-2170, *Bd. of State Teachers Retirement Sys. of Ohio v. Medco Health Solutions, Inc.*, 2006-2171, *Bd. of State Teachers Retirement Sys. of Ohio v. Medco Health Solutions, Inc.*, 2006-2172, *State ex rel. Bd. of State Teachers Retirement Sys. of Ohio v. Davis*, and 2006-2173, *State ex rel. Bd. of State Teachers Retirement Sys. of Ohio v. Davis*,

It is ordered by the court that the motion is granted in part, and 2006-2169, 2006-2170, and 2006-2171 are consolidated.

It is further ordered by the court, sua sponte, that this cause is held for the decisions in 2006-2006, 2006-2172, and 2006-2173, *State ex rel. Bd. of State Teachers Retirement Sys. of Ohio v. Davis*.

2006-2171. Bd. of State Teachers Retirement Sys. of Ohio v. Medco Health Solutions, Inc.

Hamilton App. No. C-060759. This cause is pending before the court as a discretionary appeal. Upon consideration of appellants Medco's and Merck's motion to consolidate 2006-2006, *State ex rel. Bd. of State Teachers Retirement Sys. of Ohio v. Davis*, 2006-2169, *Bd. of State Teachers Retirement Sys. of Ohio v. Medco Health Solutions, Inc.*, 2006-2170, *Bd. of State Teachers Retirement Sys. of Ohio v. Medco Health Solutions, Inc.*, 2006-2171, *Bd. of State Teachers Retirement Sys. of Ohio v. Medco Health Solutions, Inc.*, 2006-2172, *State ex rel. Bd. of State Teachers Retirement Sys. of Ohio v. Davis*, and 2006-2173, *State ex rel. Bd. of State Teachers Retirement Sys. of Ohio v. Davis*,

It is ordered by the court that the motion is granted in part, and 2006-2169, 2006-2170, and 2006-2171 are consolidated.

It is further ordered by the court, sua sponte, that this cause is held for the decisions in 2006-2006, 2006-2172, and 2006-2173, *State ex rel. Bd. of State Teachers Retirement Sys. of Ohio v. Davis*.

2006-2172. State ex rel. Bd. of State Teachers Retirement Sys. of Ohio v. Davis.

Hamilton App. No. C-060760. This cause is pending before the court as an appeal from the Court of Appeals for Hamilton County. Upon consideration of appellants Medco's and Merck's motion to consolidate 2006-2006, *State ex rel. Bd. of State Teachers Retirement Sys. of Ohio v. Davis*, 2006-2169, *Bd. of State Teachers Retirement Sys. of Ohio v. Medco Health Solutions, Inc.*, 2006-2170, *Bd. of State Teachers Retirement Sys. of Ohio v. Medco Health Solutions, Inc.*, 2006-2171, *Bd.*

of State Teachers Retirement Sys. of Ohio v. Medco Health Solutions, Inc., 2006-2172, *State ex rel. Bd. of State Teachers Retirement Sys. of Ohio v. Davis*, and 2006-2173, *State ex rel. Bd. of State Teachers Retirement Sys. of Ohio v. Davis*,

It is ordered by the court that the motion is granted in part, and 2006-2006, 2006-2172, and 2006-2173 are consolidated.

It is further ordered that the parties shall combine the briefing of 2006-2006, 2006-2172, and 2006-2173 and file one brief for each permitted under S.Ct.Prac.R. VI; the parties shall file an original brief in each case and 18 copies of the brief; and the parties shall otherwise comply with the requirements of S.Ct.Prac.R. VI.

2006-2173. State ex rel. Bd. of State Teachers Retirement Sys. of Ohio v. Davis.

Hamilton App. No. C-060760. This cause is pending before the court as an appeal from the Court of Appeals for Hamilton County. Upon consideration of appellants Medco's and Merck's motion to consolidate 2006-2006, *State ex rel. Bd. of State Teachers Retirement Sys. of Ohio v. Davis*, 2006-2169, *Bd. of State Teachers Retirement Sys. of Ohio v. Medco Health Solutions, Inc.*, 2006-2170, *Bd. of State Teachers Retirement Sys. of Ohio v. Medco Health Solutions, Inc.*, 2006-2171, *Bd. of State Teachers Retirement Sys. of Ohio v. Medco Health Solutions, Inc.*, 2006-2172, *State ex rel. Bd. of State Teachers Retirement Sys. of Ohio v. Davis*, and 2006-2173, *State ex rel. Bd. of State Teachers Retirement Sys. of Ohio v. Davis*,

It is ordered by the court that the motion is granted in part, and 2006-2006, 2006-2172, and 2006-2173 are consolidated.

It is further ordered that the parties shall combine the briefing of 2006-2006, 2006-2172, and 2006-2173 and file one brief for each permitted under S.Ct.Prac.R. VI; the parties shall file an original brief in each case and 18 copies of the brief; and the parties shall otherwise comply with the requirements of S.Ct.Prac.R. VI.

MISCELLANEOUS DISMISSALS

2006-0536. Ohio Consumers' Counsel v. Pub. Util. Comm.

Public Utilities Commission, No. 05-844-EL-ATA. This cause is pending before the court as an appeal from the Public Utilities Commission of Ohio. Upon consideration of appellant's application for dismissal,

It is ordered by the court that the application for dismissal is granted. Accordingly, this cause is dismissed.

2006-0600. Ohio Consumers' Counsel v. Pub. Util. Comm.

Public Utilities Commission, No. 04-1932-EL-ATA. This cause is pending before the court as an appeal from the Public Utilities Commission of Ohio. Upon consideration of appellant's 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):

2006-2244. Oreo Corp. v. Cuyahoga Cty. Bd. of Revision.
Board of Tax Appeals, Nos. 2005-T-135 through 2005-T-144.