

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

9:00 A.M.

WEDNESDAY
September 5, 2001

MERIT DOCKET

01-1272. State ex rel. Adelman v. Ohio Adult Parole Auth.

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

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg Stratton, JJ., concur.

01-1354. Petrik v. State.

In Habeas Corpus. On petition for writ of habeas corpus of Shawn M. Petrik. *Sua sponte*, cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg Stratton, JJ., concur.

01-1369. State ex rel. Goolsby v. Seiler.

Origination Action Involving Parental Rights or Adoption. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

Moyer, C.J., Douglas, F.E. Sweeney, Pfeifer, Cook and Lundberg Stratton, JJ., concur.

Resnick, J., not participating.

**DISMISSALS, SUA SPONTE, NO SUBSTANTIAL
CONSTITUTIONAL QUESTION AND DISCRETIONARY
APPEALS, IF APPLICABLE, NOT ALLOWED**

01-693. State v. Liles.

Huron App. Nos. H-00-014 and H-00-019.

01-908. State v. Tibbetts.

Hamilton App. No. C-000303.

01-925. State v. Baker.

Cuyahoga App. No. 78454

01-932. Bilder v. Estes.

Summit App. No. 20345.

01-936. State v. Mollick.

Lorain App. No. 01CA007803.

01-944. State v. Craig.

Hamilton App. No. C-000563.

01-953. State v. Boynton.

Hamilton App. Nos. C-010148 and C-010154.

01-955. State v. Coy.

Montgomery App. No. 18440.

01-966. State v. Collins.

Franklin App. No. 00AP-650.

01-967. State v. Attaway.

Cuyahoga App. No. 77641.

01-970. Kipp v. Lorain Bd. of Edn.

Lorain App. No. 99CA007517.

01-978. Mack v. Ohio State Dental Bd.

Franklin App. No. 00AP-578.

01-980. Peoples Rights Org., Inc. v. Montgomery.

Madison App. No. CA2000-04-018. Discretionary appeal and motion for admission *pro hac vice* of Stephen P. Halbrook by David M. Buda denied.

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

01-983. Adena Corp. v. Sunset View Ltd.

Holmes App. No. 00CA005.

Cook, J., dissents.

01-984. Nationsbanc Mtge. Corp. v. Davet.

Cuyahoga App. No. 79402.

Cook, J., dissents.

01-985. Weinfeld v. Welling.

Stark App. Nos. 2000CA00111 and 2000CA00252.

01-988. Rickard v. Trumbull Twp. Zoning Bd. of Appeals.

Ashtabula App. Nos. 99-A-0040, 99-A-0041, 99-A-0042 and 99-A-0043.

01-989. Thrower v. Akron Dept. of Hous. Appeals Bd.

Summit App. No. 20316.

01-990. Danforth v. Danforth.

Cuyahoga App. No. 78010.

01-992. Nationsbanc Mtge. Corp. v. Davet.

Cuyahoga App. No. 79401.

01-993. State v. Dowdell.

Cuyahoga App. No. 77863.

01-996. Myer v. A&A Engine Installers, Inc.

Franklin App. No. 00AP-726.

01-1005. State v. Jeffries.

Cuyahoga App. No. 76880.

01-1008. Thut v. Thut.

Geauga App. No. 2000-G-2281.

Douglas and Resnick, JJ., dissent.

01-1014. State v. Pollard.

Ashtabula App. No. 99-A-0072.

01-1018. Bevington v. Gen. Motors Corp.

Ashland App. No. 00COA01374.

01-1019. Hill v. Centria, Inc.

Guernsey App. No. 00CA25.

Resnick and F.E. Sweeney, JJ., dissent.

01-1023. State v. Childs.

Cuyahoga App. No. 78076.

Lundberg Stratton, J., would allow on Proposition of Law No. II.

01-1025. Cleveland Neighborhood Builders, Inc. v. Akron City Council.

Summit App. No. 20273.

01-1031. State v. Swanson.

Ashland App. No. 99COA01327.

01-1032. State v. Metz.

Sandusky App. No. S-00-028.

Resnick, J., not participating.

01-1036. Jones v. Akron Dept. of Pub. Health Hous. Appeals Bd.

Summit App. No. 20397.

01-1039. Layne v. Ohio Dept. of Rehab. & Corr.

Franklin App. No. 00AP-724.

01-1040. Palac v. Smith.

Trumbull App. No. 2000-T-0147.

01-1041. Saikus v. Ford Motor Co.

Cuyahoga App. No. 77802.

01-1042. State v. Sherman.

Hamilton App. No. C-000153.

Pfeifer, J., dissents.

01-1043. State v. McGuire.

Preble App. No. CA2000-10-011.

01-1044. State v. Pruett.

Cuyahoga App. No. 78094.

01-1047. State v. Nixon.

Lorain App. Nos. 00CA007624 and 00CA007638.

01-1049. State v. Nero.

Athens App. No. 00CA045.

01-1051. State v. McDonald.

Stark App. No. 2000CA51.

01-1054. Schnittker v. Ohio Dept. of Natural Resources.

Franklin App. No. 00AP-976.

01-1058. Colombo Ent., Inc. v. Fegan.

Cuyahoga App. No. 78041.

01-1062. State v. Puckett.

Scioto App. No. 99CA2689.

01-1064. State v. Bruno.

Cuyahoga App. No. 77202.

01-1068. Tandon v. Tandon.

Jefferson App. No. 00-JE-16.

01-1069. Hall v. Forsyth.

Montgomery App. No. 18626.

01-1072. Khoury v. Charter One Bank.

Lucas App. No. L-00-1192.

Resnick, J., not participating.

01-1073. State v. Lachner.

Sandusky App. No. S-01-003.

01-1074. State v. Swingle.

Summit App. No. 20435.

01-1077. State v. Wright.

Allen App. No. 1-2000-71.

Moyer, C.J., dissents.

01-1079. State v. Bell.

Butler App. No. CA99-07-122.

01-1080. State v. Wiles.

Portage App. No. 99-P-0109.

01-1083. State v. Cricks.

Stark App. No. 2000CA00145.

01-1089. State v. Hartness.

Cuyahoga App. No. 79656.

01-1092. State v. Lawson.

Butler App. No. CA99-12-226.

01-1094. State v. Watson.

Cuyahoga App. No. 77494.

01-1098. Rosser v. Terminix Internatl. Co., L.P.

Hamilton App. Nos. C-000292 and C-000578.

Resnick, J., dissents.

01-1101. Miller v. Strausbaugh.

Defiance App. No. 4200028.

Cook, J., dissents.

01-1108. State v. Bowles.
Lake App. No. 99-L-075.

01-1109. State v. Cook.
Cuyahoga App. No. 78084.

01-1111. In re Bailey.
Hamilton App. No. C-990528.

01-1112. Dillion v. Univ. Optical.
Franklin App. No. 00AP-1055.
Resnick, J., not participating.

01-1116. State v. Koenig.
Allen App. No. 10104.

01-1119. State v. Beckett.
Holmes App. No. 00CA0008.

01-1122. State v. Young.
Cuyahoga App. No. 78058.

01-1125. State v. McGaughey.
Cuyahoga App. No. 77886.

01-1141. State v. White.
Hamilton App. No. C-000530.

01-1142. Gilbert v. WNIR 100 FM.
Summit App. No. 20299.

01-1145. State v. Swingle.
Summit App. No. 20435.

01-1148. State v. Wilson.
Union App. No. 14-2001-11.

01-1150. Sayyah v. O'Farrell.
Brown App. No. CA2000-06-017.

01-1153. Fraternal Order of Police, Ohio Labor Council, Inc. v. Halleck.
Columbiana App. No. 99CO71.

Lundberg Stratton, J., dissents.

01-1154. Haehn v. Haehn.

Columbiana App. No. 00CO41.

01-1162. Heiland v. Sears, Roebuck & Co.

Hamilton App. No. C-000454.

Resnick, J., dissents.

01-1167. State v. Hall.

Hamilton App. No. C-010246.

01-1169. Wallace v. Rocky River.

Cuyahoga App. No. 79373.

01-1171. State v. Feathers.

Summit App. No. 20532.

01-1172. In re Destruction of Contraband.

Summit App. No. 20290.

Lundberg Stratton, J., dissents.

01-1181. State v. Lowe.

Cuyahoga App. No. 78021.

01-1182. State v. Karle.

Hamilton App. Nos. C-000341 and C-000342.

01-1184. State v. Fields.

Cuyahoga App. No. 78583.

01-1186. State v. Moore.

Franklin App. No. 00AP-806.

01-1187. Blasko v. Ohio Bd. of Pharmacy.

Mahoning App. No. 00CA98.

01-1193. McKay v. Hardin Mem. Hosp.

Hardin App. No. 6-2000-08.

Resnick and F.E. Sweeney, JJ., dissent.

01-1195. Ferreri v. Plain Dealer Publishing Co.

Cuyahoga App. No. 77407.

01-1230. State v. Steward.

Franklin App. No. 00AP-984.

01-1241. State v. Socha.

Cuyahoga App. No. 76913.

01-1242. State v. Jeffers.

Hamilton App. No. C-000525.

01-1261. Alheit v. York Internatl. Corp.

Lorain App. No. 01CA007831.

01-1276. In re Milella.

Ross App. No. 01CA2593.

01-1289. In re Franklin.

Tuscarawas App. No. 2001AP030023.

01-1292. In re Jenkins.

Franklin App. Nos. 00AP-1411, 00AP-1412 and 00AP-1413.

01-1337. State v. Goff.

Clinton App. No. CA2000-10-026.

MOTION DOCKET

01-99. State v. Walls.

Butler App. No. CA99-10-174. *Sua sponte*, stay lifted and briefing to proceed.

Douglas, Resnick and F.E. Sweeney, JJ., dissent.

01-1057. State v. Campbell.

Franklin C.P. 97CR042020. On motion to consolidate case with 98-980, *State v. Campbell*, Franklin C.P. No. 97CR042020. Motion granted.

Cook, J., dissents.

On motion to expedite briefing schedule and oral argument. Motion granted.

Lundberg Stratton, J., would also order the filing of the entire record.

Pfeifer and Cook, JJ., dissent.

01-1115. State ex rel. Martin v. Common Pleas Court of Cuyahoga Cty.

In Mandamus. On motion for emergency order to compel cashier's office at Orient Correctional Institute to provide free legal copying and postage. Motion denied.

01-1231. Bardes v. Todd.

Hamilton App. No. C-000055. On motion for stay of court of appeals' decision and motion to consolidate case with 00-2117, *Bardes v. Todd*, Hamilton App. No. C-000055. Motions denied.

01-1383. Lawrence v. Lawrence.

Clark App. No. 00CA0034. On motion for stay of court of appeals' judgment. Motion denied.

01-1392. Mayer v. Bristow.

Crawford App. No. 30104. On motion for stay of court of appeals' judgment. Motion granted.

Pfeifer, J., dissents.

Cook, J., not participating.

01-1394. State ex rel. Howard v. Seaway Foodtown, Inc.

Franklin App. No. 00AP-1097. On motion to vacate and/or motion for stay of court of appeals' judgment. Motions denied.

01-1426. Bradley v. Bradley.

Cuyahoga App. No. 78400. On motion for stay of court of appeals' judgment. Motion denied.

01-1447. State v. Bretz.

Portage App. No. 2000-P-0069. On motion for stay of court of appeals' judgment. Motion denied.

01-1472. In re Mitchell.

Franklin App. No. 01AP-74. On amended motion for stay of court of appeals' judgment. Motion denied.

Moyer, C.J., and Cook, J., dissent.

01-1481. State v. Miller.

Ashtabula App. No. 99-A-0078. On motion for stay of court of appeals' judgment. Motion granted.

Resnick, F.E. Sweeney and Pfeifer, JJ., dissent.

01-1487. R.C.T., Inc. v. Consolidated Mgt., Inc.

Lake App. No. 99-L-191. On motion to remand or, in the alternate, motion to stay consideration of the appeal. Motions denied.

Resnick, J., dissents.

DISCRETIONARY APPEALS ALLOWED

01-900. State v. Heil.

Geauga App. No. 2000-G-2268. Discretionary appeal allowed; *sua sponte*, the court of appeals is ordered to appoint counsel.

F.E. Sweeney and Pfeifer, JJ., dissent.

01-904. Hubbard v. Canton City School Bd. of Edn.

Stark App. No. 2000CA00313.

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

01-916. Osborne v. AK Steel/Armco Steel Co.

Hamilton App. No. C-000320.

F.E. Sweeney and Lundberg Stratton, JJ., dissent.

01-937. Columbus v. Garrett.

Franklin App. No. 00AP-610.

Resnick, F.E. Sweeney and Pfeifer, JJ., dissent.

DISCRETIONARY APPEALS NOT ALLOWED

01-742. Wallace v. Taylor.

Licking App. No. 00CA71.

01-931. In re Dissolution of the Marriage of Noble.

Trumbull App. No. 99-T-0154.

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

01-958. Bleh v. Biro Mfg. Co.

Hamilton App. No. C-000051.

Resnick, J., dissents.

01-998. Honess v. Ghali.

Cuyahoga App. Nos. 76802 and 77623.

01-1004. Cunningham v. St. Alexis Hosp. Med. Ctr.

Cuyahoga App. No. 77836.

Lundberg Stratton, J., would allow on Proposition of Law No. I.

Pfeifer, J., would allow.

01-1011. State v. McPherson.

Washington App. No. 00CA29.

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

01-1012. Ross v. Belden Park Co.

Stark App. No. 2000CA00086.

01-1016. Martin v. St. Vincent Med. Ctr.

Lucas App. No. L-00-1141.

F.E. Sweeney and Pfeifer, JJ., dissent.

Resnick, J., not participating.

01-1017. PDP, Inc. v. Hamrick.

Franklin App. No. 00AP-1153.

Pfeifer, J., dissents.

01-1020. Eichenberger v. Eichenberger.

Franklin App. No. 00AP-948.

Lundberg Stratton, J., not participating.

01-1027. FirstMerit Bank, N.A. v. Todd Leasing, Inc.

Summit App. No. 20279.

Douglas, J., dissents.

01-1029. Simoudis v. Ford Motor Co.
Cuyahoga App. No. 78112.

01-1060. Bowers v. Ohio State Dental Bd.
Franklin App. No. 00AP-1009.
Douglas, J., dissents.

01-1065. Hazelwood v. Meijer, Inc.
Richland App. No. 01CA82.
Resnick and Pfeifer, JJ., dissent.

01-1067. Estate of Mickens v. United Parcel Serv.
Lucas App. No. L-00-1292.
Resnick, J., not participating.

01-1075. Wigglesworth v. St. Joseph Riverside Hosp.
Trumbull App. No. 99-T-0064.
Moyer, C.J., and Lundberg Stratton, J., dissent.

01-1076. Pearston v. Colonial Ins. Co.
Lorain App. No. 00CA007751.
Pfeifer, J., dissents.

01-1081. State v. Mason.
Hamilton App. No. C-000686.

01-1082. Bianchi v. Moore.
Ottawa App. No. OT-00-007. Discretionary appeal denied.
Resnick, J., not participating.
Discretionary cross-appeal denied.
Moyer, C.J., and Lundberg Stratton, J., dissent.
Resnick, J., not participating.

01-1096. State v. Graves.
Mahoning App. No. 99CA113.

01-1097. Gale v. Ficke.
Cuyahoga App. No. 77912.

01-1099. State v. Morris.

Montgomery App. No. 18649.

01-1106. Barker v. Barker.

Lucas App. No. L-00-1346.

Resnick, J., not participating.

01-1107. Groner v. DeLevie.

Franklin App. No. 00AP-1244.

01-1110. State v. Hobbs.

Hamilton App. No. C-000516.

01-1113. Garrison v. Gen. Motors Corp.

Ross App. No. 00CA2568.

Resnick, J., not participating.

01-1120. Cook v. Gula.

Butler App. No. CA2000-10-195.

Resnick, J., dissents.

01-1124. Brewer v. Butler Cty. Bldg. & Zoning Dept.

Butler App. No. CA2000-10-196.

01-1140. Brandow v. Nationwide Mut. Ins. Co.

Cuyahoga App. No. 79540.

Lundberg Stratton, J., dissents.

01-1146. State v. Showalter.

Portage App. No. 99-P-0042.

01-1147. State v. Cechura.

Columbiana App. No. 99CO74.

01-1151. Ginn v. Tackett.

Summit App. No. 20205.

01-1155. Linden Med. Pharmacy, Inc. v. Ohio State Bd. of Pharmacy.

Franklin App. No. 00AP-641.

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

01-1157. State ex rel. Peaspanen v. Ohio State Teachers Retirement Bd.

Franklin App. No. 00AP-1126.

Resnick, J., dissents.

01-1163. Turner v. Ohio Dept. of Rehab. & Corr.

Allen App. No. 1-01-10.

01-1164. Marshall v. Marshall.

Greene App. No. 2000CA95.

01-1166. State v. Stasher.

Lucas App. No. L-00-1152.

Resnick, J., not participating.

01-1170. State v. McDonald.

Franklin App. No. 00AP-1120.

01-1173. Boyd v. Ohio State Med. Bd.

Franklin App. No. 00AP-966.

Douglas, J., dissents.

01-1183. Fritz v. Bruner Cox, L.L.P.

Stark App. No. 2000CA00362.

Cook and Lundberg Stratton, JJ., dissent.

01-1185. Sprague v. Simon.

Ashtabula App. No. 2000-A-0007.

01-1188. Wisner v. Hercules Tire & Rubber Co.

Hancock App. No. 5-2000-40.

Resnick, J., dissents.

01-1190. Forshey v. Airborne Freight Corp.

Clinton App. No. CA2000-09-024.

Resnick, J., dissents.

01-1192. State v. Miller.

Cuyahoga App. No. 78032.

Resnick and Lundberg Stratton, JJ., dissent.

01-1267. Allison v. Johnson.

Trumbull App. No. 2000-T-0116. Discretionary appeal and motion for admission *pro hac vice* of Barry R. Ostrager by Mark S. Gervelis overruled.

Moyer, C.J., and Cook, J., dissent.