

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

August 5, 2004

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### MERIT DECISIONS WITHOUT OPINIONS

**2004-0985. State v. Strausser.**

Mahoning App. No. 03MA70, 2004-Ohio-1729. On review of order certifying a conflict. The court determines that no conflict exists within the meaning of S.Ct.Prac.R. IV(2)(B). This cause is therefore dismissed.

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

### MOTION AND PROCEDURAL RULINGS

**2001-0835. State v. Hoffner.**

Lucas App. No. L-95-181. This cause came on for further consideration upon the filing of a motion for stay of execution pending the filing and disposition of a petition for a writ of certiorari in the Supreme Court of the United States. Upon consideration thereof,

IT IS ORDERED by the court that the motion for stay of execution be, and hereby is, granted.

IT IS FURTHER ORDERED that the compliance with the mandate and the execution of sentence be, and hereby are, stayed, pending the timely filing of the petition in the Supreme Court of the United States.

IT IS FURTHER ORDERED that if such petition is timely filed, this stay shall continue for an indefinite period pending the final disposition of this cause by the Supreme Court of the United States.

**2004-0413. State ex rel. Rowe v. Indus. Comm.**

Franklin App. No. 03AP-181. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. Upon consideration of appellant's motion for extension of time to file merit brief pursuant to S.Ct.Prac.R. XIV(6)(C),

IT IS ORDERED by the court that the motion for extension of time be, and hereby is, granted, and appellant's merit brief is due on or before August 13, 2004.

**2004-0501. State v. Boyd.**

Cuyahoga App. Nos. 82921, 82922 and 82923. This cause is pending before the court on appellant's motion for reconsideration. It appearing to the court that appellant's motion for reconsideration was filed on July 26, 2004, but was inadvertently not docketed on that date,

IT IS ORDERED by the court, sua sponte, that appellee may file a memorandum opposing reconsideration within seven days from the date of this entry.

**APPEALS ACCEPTED FOR REVIEW**

**2004-0664. Evans v. Wallen.**

Montgomery App. No. 20171, 2004-Ohio-1166. Discretionary appeal accepted and cause held for the decision in 2003-2079, *Hollon v. Clary*, Montgomery App. No. 19826, 155 Ohio App.3d 195, 2003-Ohio-5734; briefing schedule stayed.

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

**2004-0690. State v. Johnson.**

Wyandot App. No. 16-03-09, 2004-Ohio-1513. Discretionary appeal accepted on Proposition of Law No. IV only and cause held for the decision in 2003-1048 and 2003-1049, *State v. White*, Guernsey App. No. 02CA23, 2004-Ohio-2289; briefing schedule stayed.

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

**2004-0752. Corporex Dev. & Constr. Mgt., Inc. v. Shook, Inc.**

Franklin App. No. 03AP-269, 2004-Ohio-1408.

Resnick, F.E. Sweeney and O'Donnell, JJ., dissent.

**2004-0753. Pillo v. Stricklin.**

Stark App. No. 2003CA00212, 2004-Ohio-1570. Discretionary appeal accepted and cause held for the decision in 2003-2167, *Hopkins v. Dyer*, Tuscarawas App. No. 2003AP0100009, 2003-Ohio-6178; briefing schedule stayed.

F.E. Sweeney and Pfeifer, JJ., concur but would not hold for *Hopkins v. Dyer*.

Resnick, J., dissents.

**2004-0757. MacMillan v. Flow Polymers, Inc.**

Cuyahoga App. Nos. 83197 and 83293, 2004-Ohio-1252.  
Lundberg Stratton, O'Connor and O'Donnell, JJ., dissent.

### **APPEALS NOT ACCEPTED FOR REVIEW**

**2004-0787. State v. Dean.**

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

Pfeifer, Lundberg Stratton and O'Donnell, JJ., would accept on Proposition of Law No. I only and reverse on the authority of *State v. Leach*, 102 Ohio St.3d 135, 2004-Ohio-2147, 807 N.E.2d 335.

**2004-0812. Calich v. Allstate Ins. Co.**

Summit App. No. 21500, 2004-Ohio-1619.

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

**2004-0845. Geiger v. King.**

Franklin App. No. 03AP-1228, 2004-Ohio-2137.

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

### **RECONSIDERATION OF PRIOR DECISIONS**

**2003-0022. Estate of Ridley v. Hamilton Cty. Bd. of Mental Retardation & Dev. Disabilities.**

Hamilton App. No. C-010791, 150 Ohio App.3d 383, 2004-Ohio-6344. Reported at 102 Ohio St.3d 230, 2004-Ohio-2629, 809 N.E.2d 2. On motion for reconsideration. Motion denied.

Resnick and Pfeifer, JJ., dissent.

**2004-0403. Young v. Cincinnati Ins. Co.**

Cuyahoga App. No. 82395, 2004-Ohio-54. Reported at 102 Ohio St.3d 1471, 2004-Ohio-2830, 809 N.E.2d 1158. On motion for reconsideration. Motion granted; discretionary appeal accepted.

Resnick, Pfeifer and O'Donnell, JJ., dissent.

**2004-0428. State v. Briscoe.**

Cuyahoga App. No. 82557, 2004-Ohio-496. Reported at 102 Ohio St.3d 1471, 2004-Ohio-2830, 809 N.E.2d 1158. On motion for reconsideration. Motion denied.

**2004-0481. State v. Sherrills.**

Cuyahoga App. No. 83839. Reported at 102 Ohio St.3d 1472, 2004-Ohio-2830, 809 N.E.2d 1159. On motion for reconsideration. Motion denied.

### **MEDIATION REFERRALS**

**2004-1211. Banc One Mgt. Corp. v. Franklin Cty. Bd. of Revision.**

Board of Tax Appeals, No. 2002-N-1788. The court refers this case to mediation under S.Ct.Prac.R. XIV(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.