

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

July 5, 2005

[Cite as *07/05/2005 Case Announcements*, 2005-Ohio-3437.]

MOTION AND PROCEDURAL RULINGS

2004-0485. State v. Ketterer.

Butler C.P. No. CR-2003-03-0309. This cause is pending before the court as a death penalty appeal from the Court of Common Pleas of Butler County. Upon consideration of appellant's second motion to supplement the record,

IT IS ORDERED by the court that the motion is granted and that the Clerk of Butler County Court of Common Pleas certify and transmit all pretrial witness statements provided to defense counsel, and the transcript of the grand jury proceedings, within thirty days of the date of this entry.

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

Public Utilities Commission, No. 03-2144-EL-ATA. This cause is pending before this court as an appeal from the Public Utilities Commission. Upon consideration of the motions for leave to intervene of FirstEnergy Corp., Ohio Energy Group, and Industrial Energy Users-Ohio, and appellant's motion to consolidate this appeal with 2005-0766, *Consumers' Counsel v. Pub. Util. Comm.*, Public Utilities Commission, No. 03-2144-EL-ATA,

IT IS ORDERED by the court that the motions are granted.

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

Certified Question of State Law, No. 3:01CV7617. This cause is pending before the court on the certification of a state law question from the United States District court for the Northern District of Ohio, Western Division. Upon consideration of the motion for admission pro hac vice of William G. Passannante and Cathleen Cinella Tylis and the motion of amicus curiae United Policyholders to participate in oral argument,

IT IS ORDERED by the court that the motion for admission pro hac vice be, and hereby is, granted.

IT IS FURTHER ORDERED by the court that the motion to participate in oral argument be, and hereby is, denied.

2005-0621. State v. Burley.

Delaware App. No. 2004-CAA-04031, 2004-Ohio-6204. This cause is pending before the court as an appeal from the Court of Appeals for Delaware County. It appearing to the court that appellant is without counsel,

IT IS ORDERED that the court of appeals shall appoint counsel for appellant pursuant to S.Ct.Prac.R. III(7).

IT IS FURTHER ORDERED by the court that a copy of this entry shall be sent to the court of appeals by the Clerk of this court and that appointed counsel shall file a copy of the court of appeals' entry of appointment with the Clerk of this court.

2005-0766. Consumers' Counsel v. Pub. Util. Comm.

Public Utilities Commission, No. 03-2144-EL-ATA. This cause is pending before this court as an appeal from the Public Utilities Commission. Upon consideration of the motions for leave to intervene of FirstEnergy Corp., Ohio Energy Group, and Industrial Energy Users-Ohio, appellee's motion to dismiss, and appellant's motion to consolidate this appeal with 2004-1993, *Consumers' Counsel v. Pub. Util. Comm.*, Public Utilities Commission, No. 03-2144-EL-ATA,

IT IS ORDERED by the court that the motions to intervene are granted.

IT IS FURTHER ORDERED by the court that the motion to dismiss is denied and the motion to consolidate is granted.

IT IS FURTHER ORDERED by the court, sua sponte, that briefing in this case be stayed.

MISCELLANEOUS DISMISSALS

2005-0594. State v. Armstrong.

Montgomery App. No. 19655, 2005-Ohio-432. This cause is pending before the court as a discretionary appeal. It appears from the records of the court that the appellant has not filed a memorandum in support of jurisdiction, due June 24, 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.

MISCELLANEOUS ORDERS

In re Howard.

On September 24, 2004, this court found Gregory T. Howard to be a vexatious litigator under S.Ct.Prac.R. XIV(5)(B). This court further ordered that Howard was prohibited from continuing or instituting legal proceedings in this court without first obtaining leave. On June 27, 2005, Howard submitted an application for leave to file a notice of appeal and memorandum in support of jurisdiction. Upon review of the proffered filing, the court finds it to be without merit. Accordingly,

IT IS ORDERED by the court that Gregory T. Howard's June 27, 2005, application for leave is denied.

MEDIATION REFERRALS

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

2005-1105. State ex rel. Stevens v. Indus. Comm.
Franklin App. No. 04AP-919, 2005-Ohio-2804.