

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

July 31, 2002

MERIT DECISIONS WITH OPINIONS

2001-0609. In re Bicknell, 2002-Ohio-3615.

Butler App. Nos. CA2000-07-140 and CA2000-07-141, 2001-Ohio-4200.
Judgment reversed.

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

2001-0938. State ex rel. ABF Freight Sys., Inc. v. Indus. Comm., 2002-Ohio-3612.

Franklin App. No. 00AP-790. Judgment affirmed.

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

2001-1003. State ex rel. Isaacs v. Indus. Comm., 2002-Ohio-3613.

Franklin App. No. 00AP-932. Judgment affirmed.

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

F.E. Sweeney, J., dissents.

2001-1566. Keener v. Legacy Health Serv., 2002-Ohio-3571.

Cuyahoga App. No. 78536. Sua sponte, cause dismissed as having been
improvidently allowed.

Douglas, Resnick, F.E. Sweeney and Lundberg Stratton, JJ., concur.

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

2001-1949. State ex rel. Hummel v. Sadler, 2002-Ohio-3605.

Franklin App. No. 01AP-397. Judgment affirmed.

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

Cook, J., concurs in judgment.

Lundberg Stratton, J., not participating.

2001-2170. Cincinnati Bar Assn. v. Sauter, 2002-Ohio-3610.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 01-26.

Susan M. Sauter is publicly reprimanded.

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

Cook, J., dissents.

2001-2231. Cleveland Bar Assn. v. Harris, 2002-Ohio-2988.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 00-67.

Caesar M. Harris is indefinitely suspended from the practice of law.

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

Pfeifer and Cook, JJ., dissent.

2001-2233. Disciplinary Counsel v. Willis, 2002-Ohio-3614.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 01-38.

James R. Willis is publicly reprimanded.

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

2002-0154. Ridenour v. Randle, 2002-Ohio-3606.

Ross App. No. 01CA2589. Judgment affirmed.

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

2002-0294. Toledo Bar Assn. v. Dzienny, 2002-Ohio-3611.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 01-57.

Michael A. Dzienny is suspended from the practice of law for eighteen months with one year stayed.

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

Pfeifer and Cook, JJ., dissent.

Robert A. Nader, J., of the Eleventh Appellate District, sitting for Resnick, J.

2002-0324. Toledo Bar Assn. v. Dewey, 2002-Ohio-3608.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 01-43.

Ronald D. Dewey is suspended from the practice of law for two years with the final year stayed.

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

2002-0347. Cincinnati Bar Assn. v. O'Brien, 2002-Ohio-3621.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 00-88.

James F. O'Brien is indefinitely suspended from the practice of law, with the date of suspension effective February 1, 2002.

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

Douglas, J., concurs in judgment only.

2002-0348. Butler Cty. Bar Assn. v. McKenzie, 2002-Ohio-3620.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 01-14.

Kyle B. McKenzie is publicly reprimanded.

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

2002-0491. Columbus Bar Assn. v. Smith, 2002-Ohio-3607.

On Final Report of the Board of Commissioners on the Unauthorized Practice of Law, No. UPL005. The unauthorized practice of law is enjoined.

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

2002-0494. In re Application of John Doe II, 2002-Ohio-3609.

On Report of the Board of Commissioners on Character and Fitness of the Supreme Court, No. 219.

John Doe II is permitted to reapply for the February 2003 bar exam; the record is sealed.

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

Resnick and Lundberg Stratton, JJ., concur in part and dissent in part.

MERIT DECISIONS WITHOUT OPINIONS

2002-0498. Diamond Sparkler Mfg. Co. v. Zaino.

Board of Tax Appeals, No. 99-N-197. On motion to dismiss appeal. Motion to dismiss sustained. Cause dismissed.

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

2002-0500. B.J. Alan Co. v. Zaino.

Board of Tax Appeals, No. 99-N-196. On motion to dismiss appeal. Motion to dismiss sustained. Cause dismissed.

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

2002-0698. Hill v. Pub. Util. Comm.

Public Utilities Commission, No. 00-2099-TP-CSS. On amended motion to dismiss appeal. Amended motion to dismiss sustained. Cause dismissed.

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

2002-0738. State ex rel. Ullmann v. Montgomery.

In Mandamus. On S.Ct.Prac.R. X(5) determination, cause dismissed.

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

2002-0831. Class v. Space.

In Quo Warranto. On motion to dismiss of David C. Hipp, motion to dismiss of Amanda Spies Bornhorst, motion to dismiss of the Honorable Judge Mary Wade Space, Edward Emmett O'Farrell, and Elizabeth Lehigh Tomakos, motion to dismiss of Mark Ritzman, motion to strike relator's memo opposing motion to dismiss of Judge Mary Wade Space, et al., or, in the alternative, motion to seal attachments to relator's memo opposing the motion to dismiss, motion for

permanent injunctive relief, and motion to strike petitioner's motion for permanent injunctive relief. Motions to dismiss sustained. Cause dismissed.

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

2002-0833. State ex rel. Steele v. First Appellate Dist. Court of Appeals .

In Mandamus. 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.

2002-0835. State ex rel. McGrath v. Kilbane.

In Mandamus. 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.

2002-0874. State ex rel. Isquick v. Ninth Dist. Court of Appeals.

In Prohibition. On motion for leave to intervene of Dale Adams and Dale Adams Enterprises, Inc., motion to dismiss of Dale Adams and Dale Adams Enterprises, Inc., motion to dismiss of the Honorable Patricia A. Cosgrove, and motion to dismiss of the Ninth District Court of Appeals. Motion for leave to intervene granted. Motions to dismiss sustained. Cause dismissed.

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

2002-0918. State ex rel. Hill v. Pub. Util. Comm.

In Mandamus. On amended motion to dismiss. Amended motion to dismiss sustained. Cause dismissed.

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

2002-0919. State ex rel. Rivera v. Eighth Dist. Appellate Judges.

In Mandamus. On complaint in mandamus by Luis A. Rivera, Jr. On S.Ct.Prac.R. X(5) determination, cause dismissed.

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

2002-0948. Perry v. McFaul.

In Habeas Corpus. On petition for writ of habeas corpus of Ray A. Perry. Sua sponte, cause dismissed.

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

2002-0949. State ex rel. Forshey v. Abele.

In Prohibition. On motion to dismiss Judge David T. Evans as a respondent. Motion to dismiss sustained. Sua sponte, cause dismissed.

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

2002-0982. State ex rel. Greathouse v. Clerk of Courts.

In Mandamus. 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.

2002-0990. Garcia v. Rose.

In Habeas Corpus. On petition for writ of habeas corpus of Martin A. Garcia. Sua sponte, cause dismissed.

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

2002-1006. Creasey v. Tibbals.

In Habeas Corpus. On petition for writ of habeas corpus of LeRoy Creasey, Jr. Sua sponte, cause dismissed.

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

2002-1078. Budreaux v. Warden.

In Habeas Corpus. On petition for writ of habeas corpus of Francois Budreaux. Sua sponte, cause dismissed.

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

2002-1090. Mills v. Brigano.

In Habeas Corpus. On petition for writ of habeas corpus of James Mills. Sua sponte, cause dismissed.

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

2002-1097. Turner v. Lane.

In Habeas Corpus. On petition for writ of habeas corpus of Kenneth Ray Turner. Sua sponte, cause dismissed.

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

2002-1228. Harris v. Cooper.

In Habeas Corpus. On petition for writ of habeas corpus of Krista Lynn Harris. Sua sponte, cause dismissed.

Resnick, F.E. Sweeney, Cook and Lundberg Stratton, JJ., concur.

Moyer, C.J., Douglas and Pfeifer, JJ., would allow the writ and order briefing to proceed.

MOTION AND PROCEDURAL RULINGS

2001-0960. Westside Cellular, Inc. v. Pub. Util. Comm.

Public Utilities Commission, No. 93-1758-RC-CSS. On motion for leave to intervene of New Par, Northern Ohio Cellular Telephone Co., Akron Cellular Telephone Co., et al. Motion granted.

On motion for leave to intervene of Cincinnati SMSA Limited Partnership. Motion granted.

On motion to consolidate case with 2001-1132, *New Par v. Pub. Util. Comm.*, Public Utilities Commission, No. 93-1758-RC-CSS, and 2001-1158, *Cincinnati SMSA, L.P. v. Pub. Util. Comm.*, No. 93-1758-RC-CSS. Motion denied.

2001-1132. New Par v. Pub. Util. Comm.

Public Utilities Commission, No. 93-1758-RC-CSS. On motion to consolidate with 2001-0960, *Westside Cellular, Inc. v. Pub. Util. Comm.*, Public Utilities Commission No. 93-1758-RC-CSS, and 2001-1158, *Cincinnati SMSA, L.P. v. Pub. Util. Comm.*, No. 93-1758-RC-CSS. Motion denied.

Resnick, J., not participating.

2001-1158. Cincinnati SMSA, L.P. v. Pub. Util. Comm.

Public Utilities Commission, No. 93-1758-RC-CSS. On motion to consolidate with 2001-0960, *Westside Cellular, Inc. v. Pub. Util. Comm.*, Public Utilities Commission, No. 93-1758-RC-CSS, and 2001-1132, *New Par v. Pub. Util. Comm.*, Public Utilities Commission, No. 93-1758-RC-CSS. Motion denied.

Resnick, J., not participating.

2001-1165 and 2001-2259. Frenchtown Square Partnership v. Lemstone, Inc.

Mahoning App. No. 99CA300, 2001-Ohio-3245. On motion to strike portions of the merit brief and appendix of amici curiae Simon Property Group, Inc., et al. Motion denied.

2001-2073. LSDHC Corp. v. Zaino.

Board of Tax Appeals, No. 98-J-896. Sua sponte, cause consolidated with 2001-2074, *Lear, Siegler, Seymour Corp. v. Zaino*, Board of Tax Appeals, No. 98-J-897.

2001-2074. Lear, Siegler, Seymour Corporation v. Zaino.

Board of Tax Appeals, No. 98-J-897. Sua sponte, cause consolidated with 2001-2073, *LSDHC Corp. v. Zaino*, Board of Tax Appeals, No. 98-J-896.

2002-0361. Pickett v. Ohio Farmers Ins. Co.

Stark App. Nos. 2001CA00227 and 2001CA00236, 2002-Ohio-259. On motion to lift stay, permit briefing and oral argument, and assign case to regular docket. Motion denied.

Cook, J., concurs but would also dismiss the cause sua sponte.

Douglas, Pfeifer and Lundberg Stratton, JJ., dissent and would grant the motion.

2002-0415. State ex rel. Pepple v. Montgomery.

In Mandamus and Prohibition. On motion for sanctions against relator by Alesnik, Blaskis, and Hynd, and Ohio Campaign for New Drug Policies. Motion denied.

2002-0453. Watson v. Champaign Cty. Bd. of Revision.

Board of Tax Appeals, No. 01-V-1215. On request for oral argument. Request granted.

2002-0955. State v. Carrion.

Lorain App. No. 02CA007995. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2002-0961. Cincinnati Gas & Elec. Co. v. Clermont Cty. Bd. of Revision.

Board of Tax Appeals, Nos. 98-K-707 and 98-K-708. On motion for admission pro hac vice of Julie L. Ezell by Raymond D. Anderson. Motion granted.

2002-0976. State v. Baker.

Cuyahoga App. No. 81053. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, Cook and Lundberg Stratton, JJ., dissent.

2002-0980. State v. Ingram.

Franklin App. No. 01AP-854, 2002-Ohio-883. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

2002-0997. State v. Conner.

Summit App. No. 20466. On motion for leave to file delayed appeal. Motion denied.

Douglas and Resnick, JJ., dissent.

2002-1019. Gains v. Harman.

Mahoning App. No. 01CA89, 2002-Ohio-2793. On motion for stay of vexatious litigator status pending appeal. Motion denied.

2002-1020. State v. Rhodes.

Belmont App. No. 99BA62, 2002-Ohio-1572. On motion for leave to file delayed appeal. Motion denied.

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

2002-1022. State v. Hootman.

Ashland App. No. 01COA01405, 2001-Ohio-1973. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2002-1023. State v. Neeley.

Stark App. No. 2001CA00059, 2001-Ohio-1969. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2002-1025. State v. Shirley.

Summit App. No. 20569, 2002-Ohio-31. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2002-1027. State v. Sandoval.

Sandusky App. No. S-00-042, 2002-Ohio-1181. On motion for leave to file delayed appeal. Motion denied.

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

2002-1032. State v. Stanley.

Mahoning App. No. 99CA55, 2002-Ohio-3007. On motion for appeal bond. Motion denied.

Moyer, C.J., dissents.

2002-1044. State v. Solomon.

Cuyahoga App. No. 78966, 2002-Ohio-571. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2002-1045. State v. Phillips.

Cuyahoga App. No. 79192. On motion for leave to file delayed appeal. Motion denied.

Douglas and Pfeifer, JJ., dissent.

2002-1053. State v. Sudberry.

Butler App. No. CA2000-11-218. On motion for leave to file delayed appeal. Motion denied.

2002-1084. State v. Day.

Cuyahoga App. No. 79368, 2002-Ohio-669. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2002-1163. State v. Karasek.

Montgomery App. Nos. 17408 and 17563, 2002-Ohio-2616. On motion for stay of court of appeals' judgment. Motion denied.

2002-1180. State v. Baumgartner.

Mahoning App. No. 00CA63, 2002-Ohio-3174. On motion for stay of court of appeals' judgment. Motion granted.

Resnick, Pfeifer and Lundberg Stratton, JJ., dissent.

APPEALS ACCEPTED FOR REVIEW

2002-0612. Assn. of Firefighters, Local 93 v. Cleveland.

Cuyahoga App. No. 78970, 2002-Ohio-498. Appeal and cross-appeal allowed.

Cook, J., dissents.

2002-0641. Cincinnati Ins. Co. v. Estate of McClain.

Greene App. No. 2001CA96, 2002-Ohio-1190.

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

Cook, J., not participating.

2002-0702. Burkholder v. German Mut. Ins. Co.

Lucas App. No. L-01-1413, 2002-Ohio-1184.

Pfeifer, J., concurs but would also hold this cause for related residential employment cases.

Cook and Lundberg Stratton, JJ., dissent.

Resnick, J., not participating.

APPEALS NOT ACCEPTED FOR REVIEW

2002-0826. State v. Griffis.

Muskingum App. No. CT20010026, 2001-Ohio-1568.

2002-0851. State v. Hughes.

Cuyahoga App. No. 73279.

2002-0872. State v. Pitts.

Summit App. No. 20976.

2002-0875. State v. Spencer.
Guernsey App. No. 99CA43.

2002-0886. State v. Cook.
Hamilton App. No. C-940419.

RECONSIDERATION OF PRIOR DECISIONS

2000-2004 and 2000-2141. Haynes v. Franklin.

Warren App. No. CA2000-03-025. Reported at 95 Ohio St.3d 344, 2002-Ohio-2334, 767 N.E.2d 1146. On motion for reconsideration. Motion denied.
Douglas, Pfeifer and Cook, JJ., dissent.

2001-0020. Mid-America Tire, Inc. v. PTZ Trading Ltd.

Clermont App. No. CA99-11-105. Reported at 95 Ohio St.3d 367, 2002-Ohio-2427, 768 N.E.2d 619. On motion for reconsideration. Motion denied.
Pfeifer and Cook, JJ., dissent.

2001-1175. State ex rel. Butler v. Roadway Express, Inc.

Franklin App. No. 00AP-963. Reported at 95 Ohio St.3d 362, 2002-Ohio-2339, 767 N.E.2d 1163. On motion for reconsideration of Roadway Express, Inc. Motion denied.

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

2001-2221. Cleveland Bar Assn. v. McClain.

Reported at 95 Ohio St.3d 488, 2002-Ohio-2428, 769 N.E.2d 390. On motion for reconsideration. Motion denied.

Lundberg Stratton, J., dissents and would remand to the board for consideration of the additional evidence.

2002-0423. State v. Weisenbarger.

Preble App. No. CA2001-08-014, 2002-Ohio-291. Reported at 95 Ohio St.3d 1474, 2002-Ohio-2444, 768 N.E.2d 1182. On motion for reconsideration. Motion denied.

2002-0432. Pillo v. Sticklin.

Stark App. No. 2001CA00203, 2002-Ohio-363. Reported at 95 Ohio St.3d 1477, 2002-Ohio-2494, 768 N.E.2d 1184. On motion for reconsideration. Motion denied.

Moyer, C.J., and Lundberg Stratton, J., dissent, would allow the appeal, and would hold this cause for the decision in 2001-1709, *Kemper v. Michigan Millers Mut. Ins. Co.*, Certified State Law Question No. 300CV07799.

Cook, J., dissents, would allow on Proposition of Law No. I, and would hold this cause for the decision in *Kemper*, supra.

2002-0459. Goldberg v. Marc's Discount Store.

Cuyahoga App. No. 79173. Reported at 95 Ohio St.3d 1475, 2002-Ohio-2444, 768 N.E.2d 1182. On motion for reconsideration. Motion denied.

2002-0490. Mayfield v. Chubb Ins. Co.

Stark App. No. 2001CA00244, 2002-Ohio-767. Reported at 95 Ohio St.3d 1486, 2002-Ohio-2625, 769 N.E.2d 402. On motion for reconsideration. Motion denied.

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

2002-0536. Morrison v. First Natl. Bank (Zanesville).

Franklin App. No. 01AP-555, 2002-Ohio-783. Reported at 95 Ohio St.3d 1487, 2002-Ohio-2625, 769 N.E.2d 403. On motion for reconsideration. Motion denied.

2002-0549. Gray v. State Farm Mut. Auto. Ins. Co.

Butler App. No. CA2001-07-174, 2002-Ohio-867. Reported at 95 Ohio St.3d 1491, 2002-Ohio-2852, 769 N.E.2d 873. On motion for reconsideration. Motion granted and discretionary appeal allowed; sua sponte, cause held for the decision in 2002-0164, *Roberts v. Allstate Ins. Co.*, Butler App. No. CA2001-07-174, 2002-Ohio-867; briefing schedule stayed.

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

2002-0553. In re Trust of Papuk.

Cuyahoga App. No. 80078, 2002-Ohio-964. Reported at 95 Ohio St.3d 1487, 2002-Ohio-2625, 769 N.E.2d 403. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

2002-0629. Metzenbaum v. Vitantonio.

Cuyahoga App. Nos. 79477, 79478, 79479, 79480 and 79481, 2002-Ohio-489. Reported at 95 Ohio St.3d 1488, 2002-Ohio-2625, 769 N.E.2d 403. On motion for reconsideration. Motion denied.

Lundberg Stratton, J., concurs and would also order sanctions sua sponte.

2002-0722. Pegg v. Wilkinson.

In Habeas Corpus. Reported at 95 Ohio St.3d 1471, 2002-Ohio-2444, 768 N.E.2d 1180. On motion for reconsideration. Motion denied.