

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

May 16, 2003

MERIT DECISIONS WITHOUT OPINIONS

2002-0400. Citizen Power, Inc. v. Pub. Util. Comm.

Public Utilities Commission, No. 01-2736-EL-UNC. On motion for leave to intervene of FirstEnergy Corp. Motion granted.

Cook, J., not participating.

On motion to dismiss of the Public Utilities Commission of Ohio. Motion granted and cause dismissed.

Moyer, C.J., Resnick, F.E. Sweeney, Lundberg Stratton and O'Connor, JJ., concur.

Pfeifer, J., dissents.

Cook, J., not participating.

2002-1428. Tongren v. Pub. Util. Comm.

Public Utilities Commission, No. 00-1532-TP-COI. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton and O'Connor, JJ., concur.

Cook, J., not participating.

2002-1444. AARP v. Pub. Util. Comm.

Public Utilities Commission, No. 00-1532-TP-COI. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton and O'Connor, JJ., concur.

Cook, J., not participating.

2003-0517. State ex rel. Glenn v. Cunningham.

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

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton and O'Connor, JJ., concur.

Cook, J., not participating.

2003-0520. State ex rel. Cruse v. Tenth Dist. Court of Appeals.

In Mandamus and Procedendo. On motion to dismiss for failure to state a claim upon which relief may be granted, pursuant to Civ.R. 12(B)(6). Motion to dismiss sustained. Cause dismissed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton and O'Connor, JJ., concur.

Cook, J., not participating.

2003-0531. State ex rel. Wright v. Court of Appeals for Cuyahoga Cty.

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

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton and O'Connor, JJ., concur.

Cook, J., not participating.

2003-0546. State ex rel. Gammalo v. Corrigan.

In Procedendo. On answer of respondent and motion for summary judgment. On S.Ct.Prac.R. X(5) determination, cause dismissed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton and O'Connor, JJ., concur.

Cook, J., not participating.

2003-0586. McGee v. Cuyahoga Cty. Court of Common Pleas, Juv. Div.

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

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton and O'Connor, JJ., concur.

Cook, J., not participating.

2003-0648. Miller v. Wilson.

In Habeas Corpus. On petition for writ of habeas corpus of Jeffrey W. Miller. Sua sponte, cause dismissed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton and O'Connor, JJ., concur.

Cook, J., not participating.

2003-0692. McLaughlin v. Lane.

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

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton and O'Connor, JJ., concur.

Cook, J., not participating.

MOTION AND PROCEDURAL RULINGS

1990-1927. State v. Lorraine.

Trumbull App. No. 3838. On amended motion to set execution date. Amended motion denied.

Cook, J., dissents.

1999-0972. State v. Taylor.

Greene C.P. No. 98CR0054. On application for reopening under S.Ct.Prac.R. XI(5). Application denied.

Cook, J., not participating.

2002-1549. State ex rel. Howard v. McDonald.

In Mandamus. On Rule 60(B) motion to reopen the record and/or the entry of February 19, 2003. Motion denied.

Lundberg Stratton, J., would also find relator to be a vexations litigator.

Resnick, J., would dismiss.

Cook, J., not participating.

2002-1847. Univ. of Cincinnati Med. Assoc., Inc. v. Zaino.

Board of Tax Appeals, No. 99-A-1413. Upon consideration of the joint motion to reconsider dismissal and reinstate appeal,

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

IT IS FURTHER ORDERED by the court, sua sponte, that the decision and order of the Board of Tax Appeals be vacated, and the cause is remanded to the Board of Tax Appeals with directions to remand this cause to the Tax Commissioner to implement the mediated agreement of the parties.

IT IS FURTHER ORDERED that the parties are to bear their respective costs herein expended; and that a mandate be sent to the Board of Tax Appeals to

carry this judgment into execution; and that a copy of this entry be certified to the Board of Tax Appeals for entry.

Cook, J., not participating.

2002-1848. University of Cincinnati Med. Assoc., Inc. v. Zaino.

Board of Tax Appeals, No. 99-A-1411. Upon consideration of the joint motion to reconsider dismissal and reinstate appeal,

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

IT IS FURTHER ORDERED by the court, sua sponte, that the decision and order of the Board of Tax Appeals be vacated, and the cause is remanded to the Board of Tax Appeals with directions to remand this cause to the Tax Commissioner to implement the mediated agreement of the parties.

IT IS FURTHER ORDERED that the parties are to bear their respective costs herein expended; and that a mandate be sent to the Board of Tax Appeals to carry this judgment into execution; and that a copy of this entry be certified to the Board of Tax Appeals for entry.

Cook, J., not participating.

2002-1849. University of Cincinnati Med. Assoc., Inc. v. Zaino.

Board of Tax Appeals, Nos. 99-A-1412. Upon consideration of the joint motion to reconsider dismissal and reinstate appeal,

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

IT IS FURTHER ORDERED by the court, sua sponte, that the decision and order of the Board of Tax Appeals be vacated, and the cause is remanded to the Board of Tax Appeals with directions to remand this cause to the Tax Commissioner to implement the mediated agreement of the parties.

IT IS FURTHER ORDERED that the parties are to bear their respective costs herein expended; and that a mandate be sent to the Board of Tax Appeals to carry this judgment into execution; and that a copy of this entry be certified to the Board of Tax Appeals for entry.

Cook, J., not participating.

2002-2095. Gentry v. Craycraft.

Montgomery App. No. 19262, 2002-Ohio-5822. On motion to supplement record. Motion granted.

Pfeifer, J., dissents.

Cook, J., not participating.

2002-2175. Sherred v. Estate of Koon.

Franklin App. No. 02AP-325, 2002-Ohio-6562. On motion to strike notice of appeal and memorandum in support of jurisdiction. Motion denied.

Moyer, C.J., dissents.

Cook, J., not participating.

2003-0058. Sohi v. Ohio State Dental Bd.

Hamilton App. No. C-020224. On amicus curiae motion for leave to file under S.Ct.Prac.R. XI of Dental Association of Ohio, amicus curiae motion for leave to file under S.Ct.Prac.R. XI of Association of Current and Former Dental Employees of Cincinnati Dental, and amicus curiae motion for leave to file under S.Ct.Prac.R. XI of Physician Indian Association. Motions denied.

Cook, J., not participating.

2003-0302. Taylor v. Kemper Ins. Co.

Cuyahoga App. No. 81360, 2003-Ohio-177. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated in the court of appeals' Journal Entry filed February 7, 2003:

"Motion by appellants to certify a conflict is granted. This court's decision in *Walter Taylor, et al. v. Kemper Insurance Company, et al.* (January 16, 2003), Cuyahoga App. No. 81360, is in conflict with the cases of *Peggy Hutchinson v. State Automobile Mutual Insurance Company* (1987), Ross App. No. 1304, 1987 Ohio App.Lexis 8263, and *Steven J. Hatcher, etc. v. Grange Mutual Casualty Company* (December 14, 1993), Franklin App. No. 98AP-882, 1993 Ohio App.Lexis 6040.

"We hereby certify the following issue to the Ohio Supreme Court: 'In a claim arising from an accident in 1989, in which an uninsured motorist was not sued within the statute of limitations for personal injury, is an insured's "legal right to recover" subject to common-law defenses, such as the statute of limitations, when the accident is governed by the pre-1994 version of R.C. 3937.18(A)(1), which had not yet defined "legally entitled to recover" as proving the elements of a claim?'"

Resnick and O'Connor, JJ., dissent.

Sua sponte, cause consolidated with 2003-0362, *Taylor v. Kemper Ins. Co.*, Cuyahoga App. No. 81360, 2003-Ohio-177.

2003-0363. Witt v. Ohio Ins. Guar. Assn.

Cuyahoga App. No. 80509, 2003-Ohio-278. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause consolidated with 2003-0457, *Witt v. Ohio Ins. Guar. Assn.*, Cuyahoga App. No.

80509, 2003-Ohio-278; cause held for the decision in 2003-0028, *Katz v. Ohio Ins. Guar. Assn.*, Lucas App. No. L-02-1014, 2002-Ohio-6357; and briefing schedule stayed.

2003-0423. RPM, Inc. v. Oatey Co.

Medina App. Nos. 3282-M and 3289-M, 2003-Ohio-367. On motion for order requiring appellant to post statutorily compliant bond. Motion granted.

Moyer, C.J., and Resnick, J., concur to the extent that appellant must post a proper bond of \$84,000 to comply with this court's entry of April 2, 2003.

O'Connor, J., dissents.

2003-0493. Rice v. Buckeye State Mut. Ins. Co.

Logan App. No. 8-02-24, 2003-Ohio-390. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause consolidated with 2003-0492, *Rice v. Buckeye State Mut. Ins. Co.*, Logan App. No. CA02070024, 2003-Ohio-390; causes held for the decision in 2002-0932, *Westfield Ins. Co. v. Galatis*, Summit App. No. 20784, 2002-Ohio-1502; and briefing schedule stayed.

2003-0535. Wilke v. Montes.

Ottawa App. No. OT-02-003, 2003-Ohio-217. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause consolidated with 2003-0391, *Wilke v. Montes*, Ottawa App. No. OT-02-003, 2003-Ohio-217; causes held for the decision in 2002-0579, *Burkhart v. CNA Ins. Co.*, Stark App. No. 2001CA00265, 2002-Ohio-903; and briefing schedule stayed.

O'Connor, J., dissents.

Resnick, J., not participating.

2003-0560. Pratts v. Hurley.

Ross App. No. 02CA2674, 2003-Ohio-864. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated in the court of appeals' Entry on Motion to Certify Conflict:

“The judges of this court find that the judgment upon which they have agreed is in conflict with the judgment pronounced on the same question by the Court of Appeals for the Third Appellate District in *State v. Brock* (1996), 110 Ohio App.3d 656, 675 N.E.2d 18, and *State v. Noggle* (June 24, 1999), Crawford App. No. 3-99-08.

“The rule of law on which the conflict exists is:

“When a defendant charged with an offense punishable by death waives his or her right to trial by jury and elects to be tried by the court, does the failure of the court to convene a three-judge panel, as required by R.C. 2945.06, constitute a lack

of subject-matter jurisdiction rendering the trial court's judgment void ab initio and subject to collateral attack in habeas corpus; or is the error one in the exercise of jurisdiction, which is waived if not raised on direct appeal, thereby foreclosing collateral attack in habeas corpus and/or making the defense of res judicata available to defend against the collateral attack?"

F.E. Sweeney, J., dissents.

Cause consolidated with 2003-0392, *Pratts v. Hurley*, Ross App. No. 02CA2674, 2003-Ohio-864.

2003-0595. State v. Peoples.

Franklin App. No. 02AP-363, 2003-Ohio-151. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated in the court of appeals' Journal Entry filed March 13, 2003:

"For the reasons stated in the memorandum decision of this court rendered herein on March 13, 2003, it is the order of this court that the motion to certify the judgment of this court as being in conflict with the judgment of the Court of Appeals for Lorain County in *State v. Vincer* (Sept. 22, 1999), Lorain App. No. 98CA007117, is sustained and, pursuant to Section 3(B)(4), Article IV, Ohio Constitution, the record of this case is certified to the Supreme Court of Ohio for review and final determination upon the following issue in conflict:

"Whether R.C. 2929.20(B)(3) as in effect until March 23, 2000, violates principles of equal protection set forth in the Ohio and United States Constitutions."

2003-0597. Williams v. Zurich Am. Ins. Co.

Certified State Law Question, No. 302CV7300. On review of preliminary memoranda pursuant to S.Ct.Prac.R. XVIII(6). Sue sponte, cause held for the decision in 2002-0610, *Geren v. Westfield Ins. Co.*, Lucas App. No. L-01-1398, 2002-Ohio-1230; briefing schedule stayed.

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

Cook, J., not participating.

2003-0636. State ex rel. Howard v. Seaway Foodtown, Inc.

Franklin App. No. 00AP-1097. On amended motion for relief from judgment. Motion denied.

Lundberg Stratton, J., would also order sanctions against appellant.

Cook, J., not participating.

2003-0653. State v. House.

Cuyahoga App. No. 78239, 2002-Ohio-7227. On motion for leave to file delayed appeal. Motion denied.

Lundberg Stratton, J., dissents.

Cook, J., not participating.

2003-0661. State v. Nero.

Cuyahoga App. No. 81828. On motion for leave to file delayed appeal. Motion denied.

Cook, J., not participating.

2003-0669. In re Adaranijo.

Hamilton App. Nos. C-020313 and C-020393. On motion stay of court of appeals' judgment. Motion denied.

Cook, J., not participating.

2003-0709. State v. Allison.

Franklin App. No. 01AP-666, 2002-Ohio-522. On motion for leave to file delayed appeal. Motion denied.

Cook, J., not participating.

2003-0745. In re Estate of Williams.

Mahoning App. No. 00CA109, 2003-Ohio-1436. On motion for stay of execution of sentence. Motion denied.

Cook, J., not participating.

2003-0746. In re Estate of Mercurio.

Mahoning App. No. 00CA108, 2003-Ohio-1437. On motion for stay of execution of sentence. Motion denied.

Cook, J., not participating.

2003-0747. In re Estate of Hunter.

Mahoning App. No. 00CA107, 2003-Ohio-1435. On motion for stay of execution of sentence. Motion denied.

Cook, J., not participating.

2003-0748. In re Estate of Lanning.

Mahoning App. No. 00CA110, 2003-Ohio-1438. On motion for stay of execution of sentence. Motion denied.

Cook, J., not participating.

APPEALS ACCEPTED FOR REVIEW

2003-0230. Consolo v. Cleveland.

Cuyahoga App. No. 81117, 2002-Ohio-7065.

Resnick, Cook and O'Connor, JJ., dissent.

2003-0254. Ft. Frye Teachers Assn. v. State Emp. Relations Bd.

Washington App. Nos. 02CA31 and 02CA32. Discretionary appeal allowed and cause consolidated with 2003-0207, *Ft. Frye Teachers Assn. v. State Emp. Relations Bd.*, Washington App. Nos. 02CA31 and 02CA32, 2002-Ohio-7219.

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

2003-0300. Darby v. A-Best Products Co.

Cuyahoga App. No. 81270, 2002-Ohio-7070. On discretionary appeal, motion for admission pro hac vice of Ellen Margolis and Danile Markewich by Bruce Mandel for Vilad Corp., and motion for admission pro hac vice of Jon B. Orandorff by Bruce Mandel for Old Orchard Industrial Corp. etc. Discretionary appeal allowed and motions granted.

Cook and Lundberg Stratton, JJ., dissent.

2003-0362. Taylor v. Kemper Ins. Co.

Cuyahoga App. No. 81360, 2003-Ohio 177. Discretionary appeal allowed and cause consolidated with 2003-0302, *Taylor v. Kemper Ins. Co.*, Cuyahoga App. No. 81360, 2003-Ohio-177.

Resnick, Lundberg Stratton and O'Connor, JJ., dissent.

2003-0391. Wilke v. Montes.

Ottawa App. No. OT-02-003, 2003-Ohio-217. Discretionary appeal allowed; cause consolidated with 2003-0535, *Wilke v. Montes*, Ottawa App. No. OT-02-003, 2003-Ohio-217; causes held for the decision in 2002-0579, *Burkhart v. CNA Ins. Co.*, Stark App. No. 2001CA00265, 2002-Ohio-903; and briefing schedule stayed.

F.E. Sweeney, concurs but would not hold this cause for 2002-0579.

O'Connor, J., concurs but would allow only Propositions of Law Nos. I and II.

Resnick, J., not participating.

2003-0392. Pratts v. Hurley.

Ross App. No. 02CA2674, 2003-Ohio-864. Discretionary appeal allowed and cause consolidated with 2003-0560, *Pratts v. Hurley*, Ross App. No. 02CA2674, 2003-Ohio-864.

F.E. Sweeney, J., dissents.

2003-0457. Witt v. Ohio Ins. Guar. Assn.

Cuyahoga App. No. 80509, 2003-Ohio-278. Discretionary appeal allowed; cause consolidated with 2003-0363, *Witt v. Ohio Ins. Guar. Assn.*, Cuyahoga App. No. 80509, 2003-Ohio-278; causes held for the decision in 2003-0028, *Katz v. Ohio Ins. Guar. Assn.*, Lucas App. No. L-02-1014, 2002-Ohio-6357; and briefing schedule stayed.

F.E. Sweeney, J., dissents.

2003-0464. State v. Peoples.

Franklin App. No. 02AP-363, 2003-Ohio-151. Discretionary appeal allowed; cause consolidated with 2003-0595, *State v. Peoples*, Franklin App. No. 02AP-363, 2003-Ohio-151; and causes to be argued on the same date as the argument in 2003-0358 and 2003-0562, *State v. Kelly*, Muskingum App. No. CT20020027, 2003-Ohio-337.

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

2003-0492. Rice v. Buckeye State Mut. Ins. Co.

Logan App. No. CA02070024, 2003-Ohio-390. Discretionary appeal allowed; cause consolidated with 2003-0493, *Rice v. Buckeye State Mut. Ins. Co.*, Logan App. No. 8-02-24, 2003-Ohio-390; causes held for the decision in 2002-0932, *Westfield Ins. Co. v. Galatis*, Summit App. No. 20784, 2002-Ohio-1502; and briefing schedule stayed.

APPEALS NOT ACCEPTED FOR REVIEW

2003-0290. State v. Sneed.

Cuyahoga App. No. 80902, 2002-Ohio-6502.

Cook, J., not participating.

2003-0305. Horston v. Pfannenschmidt.

Jefferson App. No. 02JE3, 2002-Ohio-7379.

Lundberg Stratton, J., dissents.

Cook, J., not participating.

2003-0306. Lyndhurst v. Dawson.

Cuyahoga App. No. 81288, 2002-Ohio-7071.

Cook, J., not participating.

2003-0307. Cleveland v. Thomas.

Cuyahoga App. No. 81159, 2003-Ohio-30.

Cook, J., not participating.

2003-0309. State v. Mayer.

Cuyahoga App. No. 80168, 2003-Ohio-1.

Lundberg Stratton and O'Connor, JJ., dissent.

Cook, J., not participating.

2003-0311. State v. Rector.

Carroll App. No. 01 AP 758, 2002-Ohio-7442.

Cook, J., not participating.

2003-0315. Dickson v. British Petroleum.

Cuyahoga App. No. 80908, 2002-Ohio-7060.

Resnick and Cook, JJ., not participating.

2003-0330. State v. Johnson.

Cuyahoga App. No. 80436, 2002-Ohio-7057.

Cook, J., not participating.

2003-0335. Price v. Margaretta Twp. Bd. of Zoning Appeals.

Erie App. No. E-02-029, 2003-Ohio-221.

Cook, J., not participating.

2003-0338. State v. Dalpiaz.

Portage App. No. 2001-P-0044, 2002-Ohio-7346.

Cook, J., not participating.

2003-0342. State v. Mays.

Trumbull App. No. 2001-T-0071, 2003-Ohio-63.

Cook, J., not participating.

2003-0343. State v. Wooten.

Lucas App. No. L-02-1386.

Cook, J., not participating.

2003-0345. Waters v. Carroll.

Cuyahoga App. No. 80179, 2002-Ohio-7222.

Cook, J., not participating.

2003-0349. Strasburg, Ltd. v. Strasburg.

Tuscarawas App. No. 2002AP060045, 2003-Ohio-127.

Cook, J., not participating.

2003-0352. Bell v. Beighler.

Franklin App. No. 02AP-569, 2003-Ohio-88.

Cook, J., not participating.

2003-0355. State v. Wright.

Montgomery App. No. 19127, 2003-Ohio-46.

Cook, J., not participating.

2003-0364. Cincinnati Ins. Co. v. Consol. Equip. Co.

Montgomery App. No. 19390, 2003-Ohio-47.

Moyer, C.J., dissents.

Cook, J., not participating.

2003-0365. State v. Dothard.

Ashtabula App. No. 2001-A-0066, 2003-Ohio-600.

Cook, J., not participating.

2003-0366. Shelly Materials v. Daniels.

Clark App. No. 2002CA13, 2003-Ohio-51.

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

Cook, J., not participating.

2003-0369. State v. Peeples.

Cuyahoga App. No. 81711, 2003-Ohio-183.

Cook, J., not participating.

2003-0376. State v. Murphy.

Coshocton App. No. 02CA13, 2003-Ohio-128.

Cook, J., not participating.

2003-0378. State v. Pasturzak.

Scioto App. No. 01CA2822, 2003-Ohio-1085.

Cook, J., not participating.

2003-0379. State v. Mingo.

Summit App. No. 21313.
Cook, J., not participating.

2003-0384. State v. Moreland.
Greene App. No. 2001CA85, 2003-Ohio-210.
Cook, J., not participating.

2003-0387. Jessop v. Angelo Benedetti, Inc.
Cuyahoga App. No. 80600, 2003-Ohio-3.
Cook, J., not participating.

2003-0388. State v. Williams.
Licking App. No. 02CA82.
Cook, J., not participating.

2003-0401. State v. Hill.
Hamilton App. No. C-020485.
Cook, J., not participating.

2003-0402. State v. Thornton.
Hamilton App. No. C-020394.
Cook, J., not participating.

2003-0403. State v. Youlten.
Cuyahoga App. No. 81206, 2003-Ohio-430.
Resnick and O'Connor, JJ., dissent.
Cook, J., not participating.

2003-0413. State v. Fitch.
Clark App. No. 2002CA5, 2003-Ohio-203.
Cook, J., not participating.

2003-0417. Willow Park Convalescent Home, Inc. v. Crestmont Cleveland Partnership.

Cuyahoga App. Nos. 81147 and 81259, 2003-Ohio-172. On discretionary appeal, motion of J. Craig Wright to withdraw as counsel, and motion to strike memorandum in response of Bank One Cleveland, N.A., Bank One Trust Company, and Jan E. Petrik. Motions denied.

Pfeifer, J., dissents.
Cook, J., not participating.

2003-0424. State v. Rutledge.

Montgomery App. No. 18462.

Cook, J., not participating.

2003-0428. Metal Craft Docks Acquisition, Inc. v. Richlak.

Geauga App. Nos. 2001-G-2351 and 2001-G-2368, 2003-Ohio-191.

Cook, J., not participating.

2003-0429. Straughan v. Flood Co.

Cuyahoga App. No. 81086, 2003-Ohio-290.

Lundberg Stratton, J., dissents.

Cook, J., not participating.

2003-0432. State v. White.

Cuyahoga App. No. 81368, 2003-Ohio-178.

Cook, J., not participating.

2003-0451. Camastro v. Guyuron.

Cuyahoga App. No. 80915, 2003-Ohio-27.

Cook, J., not participating.

2003-0452. State v. Watson.

Muskingum App. No. CT020026, 2003-Ohio-336.

Cook, J., not participating.

2003-0456. State v. Douglas.

Hamilton App. No. C-020093.

Cook, J., not participating.

2003-0459. State v. Langford.

Cuyahoga App. No. 80753, 2003-Ohio-159.

Cook, J., not participating.

2003-0460. Myers v. State Farm Ins. Co.

Cuyahoga App. No. 81162, 2003-Ohio-174.

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

Cook, J., not participating.

2003-0462. State v. Sims.

Lake App. No. 2001-L-081, 2003-Ohio-324.
Cook, J., not participating.

2003-0465. Toledo v. Buchanan.

Lucas App. No. L-02-1010, 2003-Ohio-480.
Cook, J., not participating.

2003-0467. State v. Oberacker.

Cuyahoga App. No. 81093, 2003-Ohio-170.
Moyer, C.J., dissents and would allow on Proposition of Law No. I.
Cook, J., not participating.

2003-0468. Renner v. Tuscarawas Cty. Bd. of Commrs.

Tuscarawas App. No. 2002AP100077, 2003-Ohio-405.
Cook, J., not participating.

2003-0471. In re Guardianship of Muehrcke.

Cuyahoga App. No. 81353, 2003-Ohio-176.
F.E. Sweeney, J., dissents.
Cook, J., not participating.

2003-0473. State v. Geboy.

Union App. No. 14-02-09, 2003-Ohio-343.
Cook, J., not participating.

2003-0475. State v. Kiner.

Hamilton App. No. C-010666, 2002-Ohio-5578.
Cook, J., not participating.

2003-0478. State v. James.

Hamilton App. No. C-020095.
Cook, J., not participating.

2003-0480. State v. Fallat.

Cuyahoga App. No. 81073, 2003-Ohio-169.
Lundberg Stratton, J., dissents, would allow on Proposition of Law No. I,
and would hold the cause for the decision in 2002-0201, *State v. Fisher*, Franklin
App. No. 01AP-614, 2001-Ohio-8772.
Cook, J., not participating.

2003-0485. State v. Miller.

Cuyahoga App. No. 80999, 2003-Ohio-164.

Cook, J., not participating.

2003-0489. Smith v. Wayne Cty. Dept. of Human Serv.

Wayne App. No. 02CA0013, 2003-Ohio-364. Discretionary appeal denied.

F.E. Sweeney and O'Connor, JJ., dissent.

Cook, J., not participating.

Discretionary cross-appeal denied.

F.E. Sweeney, J., dissents.

Cook, J., not participating.

2003-0494. Bailey v. Ohio Dept. of Motor Vehicles.

Franklin App. No. 02AP-378, 2002-Ohio-7361.

Lundberg Stratton, J., would grant the motion to dismiss.

Cook, J., not participating.

2003-0495. Harris v. Lorain.

Lorain App. No. 02CA008099, 2003-Ohio-530.

Cook, J., not participating.

2003-0496. State v. Bies.

Hamilton App. No. C-020306, 2003-Ohio-442.

Cook, J., not participating.

2003-0497. State v. Baughman.

Richland App. No. 01CA70, 2002-Ohio-4845.

Cook, J., not participating.

2003-0502. State v. McKinney.

Summit App. No. 21123, 2003-Ohio-362.

Cook, J., not participating.

2003-0513. State v. Edwards.

Lucas App. Nos. L-00-1149 and L-00-1190, 2002-Ohio-5502.

Cook, J., not participating.

2003-0514. State v. Schilling.

Tuscarawas App. No. 2001AP010001, 2002-Ohio-775.

Cook, J., not participating.

2003-0518. State v. Van Skaik.

Hamilton App. No. C-020447.

Cook, J., not participating.

2003-0552. State v. Hendrickson.

Montgomery App. No. 19045, 2003-Ohio-611.

Lundberg Stratton and O'Connor, JJ., dissent.

Cook, J., not participating.

2003-0570. Acme Constr. Co. v. Continental Natl. Indemn. Co.

Cuyahoga App. No. 81402, 2003-Ohio-434.

Resnick and Pfeifer, JJ., dissent.

Cook, J., not participating.

2003-0588. Pahl v. Cincinnati Ins. Co.

Hancock App. No. 5-02-50.

Pfeifer, J., dissents.

Cook and O'Connor, JJ., not participating.

2003-0626. In re Adoption of Rodgers.

Trumbull App. No. 2002-T-0171, 2003-Ohio-1424.

Resnick and Pfeifer, JJ., dissent.

Cook, J., not participating.

RECONSIDERATION OF PRIOR DECISIONS

2002-2213. State v. Girt.

Stark App. No. 2002CA00174, 2002-Ohio-6407. Reported at 98 Ohio St.3d 1511, 2003-Ohio-1572, 786 N.E.2d 62. On motion for reconsideration. Motion denied.

Cook, J., not participating.

2003-0001. Arth Brass & Aluminum Castings, Inc. v. Conrad.

Franklin App. No. 02AP-66, 2002-Ohio-6282. Reported at 98 Ohio St.3d 1512, 2003-Ohio-1572, 786 N.E.2d 62. On motion for reconsideration. Motion granted and discretionary appeal allowed.

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

Cook, J., not participating.

2003-0012. State v. Thompson.

Cuyahoga App. No. 79334, 2002-Ohio-5957. Reported at 98 Ohio St.3d 1512, 2003-Ohio-1572, 786 N.E.2d 62. On motion for reconsideration. Motion denied.
Cook, J., not participating.

2003-0082. State v. Bennett.

Hamilton App. Nos. C-010496 and C-010534, 2002-Ohio-6651. Reported at 98 Ohio St.3d 1514, 2003-Ohio-1572, 786 N.E.2d 63. On motion for reconsideration. Motion denied.

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

2003-0111. Sisson v. Zaino.

Board of Tax Appeals, No. 1999-L-1352. Reported at 98 Ohio St.3d 1507, 2003-Ohio-1572, 786 N.E.2d 58. On motion for reconsideration and motion for stay of April 2, 2003 judgment entry pending ruling on motion for reconsideration. Motions denied.

Cook, J., not participating.