

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

March 31, 2006

[Cite as *03/31/2006 Case Announcements, 2006-Ohio-1519.*]

MOTION AND PROCEDURAL RULINGS

2005-1106. Campbell v. TES Franchising, LLC.

Butler App. No. CA2004-06-151, 2005-Ohio-2271. This cause is pending before the court as an appeal from the Court of Appeals for Butler County.

IT IS ORDERED by the court, sua sponte, that this cause is no longer held for the decision in 2004-0001, *Academy of Medicine of Cincinnati v. Aetna Health, Inc.*, 108 Ohio St.3d 185, 2006-Ohio-657, 842 N.E.2d 488.

IT IS FURTHER ORDERED that the Clerk shall issue an order for the transmittal of the record from the Court of Appeals for Butler County, and the parties shall brief this case in accordance with the Rules of Practice of the Supreme Court of Ohio.

IT IS FURTHER ORDERED that the parties shall combine the briefing of this cause and 2005-1357, *Campbell v. TES Franchising, LLC*, Butler App. No. CA2004-06-151, 2005-Ohio-2271, and file one brief for each permitted under S.Ct.Prac.R. VI; the parties shall file an original of the brief in each case and 18 copies of the brief; and the parties shall otherwise comply with the requirements of S.Ct.Prac.R. VI.

2005-1357. Campbell v. TES Franchising, LLC.

Butler App. No. CA200406151, 2005-Ohio-2271. This cause is pending before the court on the certification of a conflict by the Court of Appeals for Butler County.

IT IS ORDERED by the court, sua sponte, that this cause is no longer held for the decision in 2004-0001, *Academy of Medicine of Cincinnati v. Aetna Health, Inc.*, 108 Ohio St.3d 185, 2006-Ohio-657, 842 N.E.2d 488.

IT IS FURTHER ORDERED that the parties shall brief the question certified by the court of appeals:

"Whether questions regarding violations of the Ohio Business Opportunity Purchaser's Protection Act (OBOPPA) should be decided pursuant to the arbitration clause in the agreement involved, even though the dispute does not involve a violation or disagreement concerning the terms of the agreement, but whether the agreement as written violates the OBOPPA."

IT IS FURTHER ORDERED that the Clerk shall issue an order for the transmittal of the record from the Court of Appeals for Butler County.

IT IS FURTHER ORDERED that the parties shall combine the briefing of this cause and 2005-1106, *Campbell v. TES Franchising, LLC*, Butler App. No. CA2004-06-151, 2005-Ohio-2271, and file one brief for each permitted under S.Ct.Prac.R. VI; the parties shall file an original of the brief in each case and 18 copies of the brief; and the parties shall otherwise comply with the requirements of S.Ct.Prac.R. VI.

2005-1692. State v. Evans.

Cuyahoga App. No. 85396, 2005-Ohio-3847. This cause is pending before the court as an appeal from the Court of Appeals for Cuyahoga County.

IT IS ORDERED by the court, sua sponte, that this cause is no longer held for the decision in 2004-1877, *State v. Saxon*, ___ Ohio St.3d ___, 2006-Ohio-1245.

IT IS FURTHER ORDERED that the Clerk shall issue an order for the transmittal of the record from the Court of Appeals for Cuyahoga County, and the parties shall brief this case in accordance with the Rules of Practice of the Supreme Court of Ohio.

2005-1693. State v. Webb.

Cuyahoga App. No. 85318, 2005-Ohio-3839. This cause is pending before the court as an appeal from the Court of Appeals for Cuyahoga County.

IT IS ORDERED by the court, sua sponte, that this cause is no longer held for the decision in 2004-1877, *State v. Saxon*, ___ Ohio St.3d ___, 2006-Ohio-1245.

IT IS FURTHER ORDERED that this cause is now held for the decision in 2005-1692, *State v. Evans*, Cuyahoga App. No. 85396, 2005-Ohio-3847, and the briefing schedule remains stayed.

2006-0367. Vectren Energy Delivery of Ohio, Inc. v. Pub. Util. Comm.

Public Utilities Commission, No. 02-220-GA-GCR. This cause is pending before this court as an appeal from the Public Utilities Commission. Upon consideration of the motion of Office of the Ohio Consumers' Counsel for leave to intervene as appellee,

IT IS ORDERED by the court that the motion is granted.

2006-0536. Ohio Consumers' Counsel v. Pub. Util. Comm.

Public Utilities Commission, No. 05-844-EL-ATA. This cause is pending before the court as an appeal from the Public Utilities Commission. Upon consideration of the motion of Dayton Power and Light Company for leave to intervene as appellee,

IT IS ORDERED by the court that the motion is granted.

MISCELLANEOUS DISMISSALS

2006-0045. State ex rel. White v. Zaleski.

Lorain App. No. 05CA008832. This cause is pending before the court as an appeal from the Court of Appeals for Lorain County. It appears from the records of this court that appellant has not filed a merit brief, due March 27, 2006, 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 is dismissed sua sponte.

MEDIATION REFERRALS

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

2006-0391. State ex rel. Hall v. Bd. of Cty. Commrs. of Morrow Cty.

In Mandamus.

The following case has been returned to the regular docket pursuant to S.Ct.Prac.R. XIV(6)(E):

2006-0070. State ex rel. Washington v. Indus. Comm.

Franklin App. No. 05AP-18, 2005-Ohio-6470.