

ATTENTION  
DIRECT ANY QUESTIONS ABOUT THE ANNOUNCEMENT TO WALTER S. KOBALKA,  
REPORTER OF DECISIONS, AT (614) 466-4961 OR 1-800-826-9010.

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

1:00 P.M.

C O R R E C T E D

WEDNESDAY  
December 30, 1992

MERIT DOCKET

91-1675. State v. Murphy.  
Marion County. Appeal from the Court of Appeals for Marion County, No.  
9-87-35. Judgment affirmed.

Sweeney, Holmes, Douglas and Resnick, JJ., concur.

Moyer, C.J., Wright and H. Brown, JJ., dissent.

91-1776. Cleveland City School Dist. Bd. of Edn. v. Don M. Hisaka &  
Associates, Inc.  
Cuyahoga County. Appeal from the Court of Appeals for Cuyahoga County,  
No. 60374. Sua sponte, cause dismissed as having been improvidently  
allowed.

Moyer, C.J., Sweeney, Holmes, Douglas, Wright, H. Brown and Resnick,  
JJ., concur.

91-1792 and 91-2486. Ohio Dept. of Liquor Control v. Sons of Italy Lodge  
0917.

Franklin County. Appeal from and Certified by the Court of Appeals for  
Franklin County, No. 90AP-1359. Judgment reversed and cause remanded.

Moyer, C.J., Sweeney, Holmes, Wright, H. Brown and Resnick, JJ.,  
concur.

Douglas, J., not participating.

91-2353. State ex rel. Hanson v. Guernsey Cty. Commrs.  
Guernsey County. Appeal from the Court of Appeals for Guernsey County,  
No. 91-CA-08. Judgment reversed and cause remanded.

Moyer, C.J., Sweeney, Douglas, H. Brown and Resnick, JJ., concur.

Holmes and Wright, JJ., dissent.

92-150. State ex rel. B & C Machine Co. v. Indus. Comm.  
Franklin County. Appeal from the Court of Appeals for Franklin County,  
No. 90AP-624. Judgment affirmed.

Sweeney, Douglas, H. Brown and Resnick, JJ., concur.

Moyer, C.J., Holmes and Wright, JJ., dissent.

REHEARING DOCKET

91-1479. Wayne Smith Constr. Co. v. Wolman, Duberstein & Thompson.  
Franklin County, No. 91AP-38. Reported at Ohio St.3d ,  
N.E.2d . On motion for rehearing. Rehearing denied.  
Sweeney and Douglas, JJ., dissent.

91-1611. Wyatt v. Wyatt.  
Franklin County, No. 90AP-1373. Reported at 65 Ohio St.3d 268,  
N.E.2d . On motion for rehearing. Rehearing denied.  
Sweeney, Douglas and Resnick, JJ., dissent.

91-1639. Rambaldo v. Accurate Die Casting.  
Cuyahoga County, No. 58588. Reported at 65 Ohio St.3d 281,  
N.E.2d . On motion for rehearing. Rehearing denied.  
Sweeney, Douglas and Resnick, JJ., dissent.

91-1640. Rini v. East Cleveland.  
Cuyahoga County, No. 58589. Reported at Ohio St.3d ,  
N.E.2d . On motion for rehearing. Rehearing denied.  
Sweeney, Douglas and Resnick, JJ., dissent.

91-1748. State v. Brown.  
Stark County, No. CA-8392. Reported at Ohio St.3d ,  
N.E.2d . On motion for rehearing. Rehearing denied.  
Sweeney, Wright and H. Brown, JJ., dissent.

91-2000. Williams v. Aetna Finance Co.  
Hamilton County, No. C-900663. Reported at 65 Ohio St.3d 1203,  
N.E.2d . On motion for rehearing. Rehearing denied.  
Holmes and Wright, JJ., dissent.  
Resnick, J., not participating.

91-2112. In re Guardianship of Rudy.  
Trumbull County, Nos. 90-T-4398 and 90-T-4416. Reported at Ohio  
St.3d , N.E.2d . On motion for rehearing. Rehearing denied.

91-2273. Lawyers Cooperative Publishing Co. v. Muething.  
Hamilton County, No. C-900582. Reported at 65 Ohio St.3d 273,  
N.E.2d . On motion for rehearing. Rehearing denied.

91-2294. State ex rel. Weiss v. Indus. Comm.  
In Mandamus. Reported at Ohio St.3d , N.E.2d . On  
motion for rehearing. Rehearing denied.

91-2317. Babcock & Wilcox Co. v. Stark Cty. Bd. of Revision.  
Appeal from the Board of Tax Appeals, No. 89-J-961. Reported at 65 Ohio  
St.3d 290, N.E.2d . Sua sponte, the fourth, fifth, sixth and  
seventh sentences of the penultimate paragraph of the court's opinion in  
this cause (65 Ohio St.3d at 292, N.E.2d at ) are modified to read  
as follows: "We reach our conclusion because there was evidence in the  
record upon which the BTA might have determined value. Moreover, on  
April 15, 1992, we granted appellant's motion to supplement the record by  
including the additional appraisers' reports submitted to the board of  
revision. Based upon its review of those reports and other evidence

before it, the BTA should determine the true value of appellant's real property."

The balance of the opinion shall remain as reported.

Moyer, C.J., Sweeney, Holmes, Douglas, Wright, H. Brown and Resnick, JJ., concur.

91-2483. State ex rel. Smith v. Columbus City Schools.  
Franklin County, No. 90AP-849. Reported at Ohio St.3d ,  
N.E.2d . On motion for rehearing. Rehearing denied.  
Moyer, C.J., Holmes and Wright, JJ., dissent.

91-2484. State ex rel. Brown v. Columbus City Schools.  
Franklin County, No. 90AP-847. Reported at Ohio St.3d ,  
N.E.2d . On motion for rehearing. Rehearing denied.  
Moyer, C.J., Holmes and Wright, JJ., dissent.

91-2569. M.S. Osher, M.D. & R.S. Kerstine, M.D., Inc. v. Limbach.  
Appeal from the Board of Tax Appeals, No. 89-C-442. Reported at 65 Ohio  
St.3d 312, N.E.2d . On motion for rehearing. Rehearing denied.

92-473. Chicago Pacific Corp. v. Limbach.  
Appeal from the Board of Tax Appeals, No. 89-A-1021. Reported at  
Ohio St.3d , N.E.2d . On motion for rehearing. Rehearing  
denied.

92-986. State v. Cook.  
Hamilton County, No. C-900676. Reported at Ohio St.3d ,  
N.E.2d . On motion for rehearing. Rehearing denied.

92-1348. Disciplinary Counsel v. Baker.  
Reported at Ohio St.3d , N.E.2d . On motion for  
rehearing. Rehearing denied.  
Douglas and Resnick, JJ., dissent.

92-1435. Ohio Domestic Violence Network v. Pub. Util. Comm.  
Public Utilities Commission, Nos. 90-467-TP-ATA and 90-471-TP-ATA.  
Reported at Ohio St.3d , N.E.2d . On motion for  
rehearing. Rehearing denied.

92-1655. Carrelli v. Goodwin.  
Clinton County, No. CA91-08-020. Reported at 65 Ohio St.3d 1454,  
N.E.2d . On motion for rehearing. Rehearing denied.

92-1794. State v. Rice.  
Fulton County, No. 91-FU-18. Reported at 65 Ohio St.3d 1459,  
N.E.2d . On motion for rehearing. Rehearing denied.  
Moyer, C.J., and H. Brown, J., dissent.

92-1864. State ex rel. Markulin v. Ashtabula Cty. Bd. of Elections.  
In Mandamus. Reported at 65 Ohio St.3d 180, N.E.2d . On motion  
for rehearing. Rehearing denied.

92-1908. Mosier v. Mosier.  
Franklin County, No. 92AP-690. Reported at 65 Ohio St.3d 1478,  
N.E.2d . On motion for rehearing. Rehearing denied.

92-1948. State v. DePew.

Butler County, No. CA90-09-187. Reported at 65 Ohio St.3d 1475,  
N.E.2d . On motion for rehearing. Rehearing denied.

92-1987. Leber v. Smith.

Erie County, No. E-87-43. Reported at 65 Ohio St.3d 1475,  
N.E.2d . On motion for rehearing. Rehearing denied.

Sweeney and Douglas, JJ., dissent.

Resnick, J., not participating.

#### MISCELLANEOUS DOCKET

91-1266. In re Application of Keita.

On motion to remand this cause to the Board of Commissioners on Character  
and Fitness for further proceedings. Motion denied.

Sweeney, Holmes, Wright and Resnick, JJ., concur.

Moyer, C.J., Douglas and H. Brown, JJ., dissent.