

ATTENTION

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

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

9:00 A.M.

WEDNESDAY  
September 2, 1992

MERIT DOCKET

90-1898. State v. Pierce.  
Delaware County. Appeal from the Court of Appeals for Delaware County,  
No. 89-CA-30. Judgment affirmed.  
Moyer, C.J., Sweeney, Holmes, Douglas, Wright, H. Brown and Resnick,  
JJ., concur.

90-1902. State ex rel. Fenley v. Ohio Historical Soc.  
In Mandamus. Writ denied.  
Moyer, C.J., Sweeney, Holmes and H. Brown, JJ., concur.  
Douglas, Wright and Resnick, JJ., dissent.

90-2191. State ex rel. N. Olmsted Fire Fighters Assn. v. N. Olmsted.  
Cuyahoga County. Appeal from the Court of Appeals for Cuyahoga County,  
No. 58968. Judgment affirmed in part, reversed in part and cause  
remanded.  
Moyer, C.J., Sweeney, Holmes, Wright, H. Brown and Resnick, JJ.,  
concur.  
Douglas, J., dissents.

90-2246. Walton v. Judge.  
Wyandot County. Appeal from the Court of Appeals for Wyandot County, No.  
16-90-24. Judgment affirmed.  
Moyer, C.J., Sweeney, Holmes, Douglas, Wright, H. Brown and Resnick,  
JJ., concur.

91-120. State ex rel. The Andersons v. Indus. Comm.  
Franklin County. Appeal from the Court of Appeals for Franklin County,  
No. 90AP-212. Judgment reversed in part, affirmed in part and writ  
allowed in part.  
Moyer, C.J., Sweeney, Holmes, Douglas, Wright, H. Brown and Resnick,  
JJ., concur.

91-572, 91-580 and 91-592. State ex rel. Williams v. Cleveland.  
Cuyahoga County. Appeals and Cross-Appeals from the Court of Appeals for  
Cuyahoga County, Nos. 56438, 57769 and 58867. Judgments affirmed.

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

Holmes, J., dissents.

91-606. State ex rel. Zalud Oldsmobile, Inc. v. Indus. Comm.  
Franklin County. Appeal from the Court of Appeals for Franklin County,  
No. 89AP-634. Judgment reversed.

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

Douglas and Resnick, JJ., dissent.

91-724. State v. Brown.

Trumbull County. Appeal from the Court of Appeals for Trumbull County,  
No. 90-T-4362. Judgment reversed and cause remanded.

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

91-766. State ex rel. Chrysler Motors Corp. v. Mayfield.

Franklin County. Appeal from the Court of Appeals for Franklin County,  
No. 89AP-1203. Judgment affirmed.

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

Wright, J., concurs in judgment only.

H. Brown, J., not participating.

91-889. Baker v. West Carrolllton.

Montgomery County. Appeal from the Court of Appeals for Montgomery  
County, No. CA 12150. Judgment affirmed.

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

91-975. State ex rel. Crisp v. Indus. Comm.

Franklin County. Appeal from the Court of Appeals for Franklin County,  
No. 90AP-602. Judgment affirmed.

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

H. Brown, J., not participating.

91-981. State ex rel. Granville Volunteer Fire Dept., Inc. v. Indus.  
Comm.

Franklin County. Appeal from the Court of Appeals for Franklin County,  
No. 90AP-494. Judgment affirmed.

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

91-988. Pewitt v. Lorain Correctional Inst.

Lorain County. Appeal from the Court of Appeals for Lorain County, No.  
90CA004849. Judgment affirmed.

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

91-1000. State ex rel. Bradford v. Trumbull Cty. Court.

Trumbull County. Appeal from the Court of Appeals for Trumbull County,  
No. 90-T-4427. Judgment affirmed.

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

Douglas, J., concurs in judgment only.

91-1007. Shearman v. Van Camp.

Clermont County. Appeal from the Court of Appeals for Clermont County, No. CA90-10-102. Judgment affirmed.

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

91-1220. Big Boy's Toy, Ltd. v. Limbach.

Appeal from the Board of Tax Appeals, No. 89-H-648. Decision reversed and cause remanded.

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

91-1241. State ex rel. Lawson Co. v. Indus. Comm.

Franklin County. Appeal from the Court of Appeals for Franklin County, No. 89AP-1262. Judgment affirmed.

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

91-1244. State ex rel. Long v. Mihm.

Franklin County. Appeal from the Court of Appeals for Franklin County, No. 90AP-1062. Judgment affirmed.

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

91-1323. Vance v. Roedersheimer.

Montgomery County. Appeal and Cross-Appeal from the Court of Appeals for Montgomery County, No. CA 12370. Judgment affirmed.

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

Sweeney, Douglas and Resnick, JJ., concur in part and dissent in part.

91-1378 and 91-2024. State v. Mourey.

Franklin County. Appeal from and Certified by the Court of Appeals for Franklin County, No. 90AP-1199. Judgment affirmed.

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

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

91-1897. Smith v. Limbach.

Appeal from the Board of Tax Appeals, No. 89-C-455. Decision reversed.

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

91-1976. State ex rel. Hurt v. Cox.

Miami County. Appeal from the Court of Appeals for Miami County, No. 91 CA 36. Judgment affirmed.

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

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

91-2003. Northwest Ohio Bar Assn. v. Noble.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 90-51. John D. Noble is suspended from the practice of law for a period of two years.

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

91-2175. State ex rel. Russell v. Duncan.

Cuyahoga County. Appeal from the Court of Appeals for Cuyahoga County, No. 62221. Judgment affirmed.

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

JJ., concur.

92-417. Cincinnati Bar Assn. v. Fehler-Schultz.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 91-10. Richard H. Fehler-Schultz is indefinitely suspended from the practice of law.

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

92-419. Disciplinary Counsel v. McMahon.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 91-09. Thomas Paul McMahon is publicly reprimanded.

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

92-722. State ex rel. Freeman v. Wilkinson.

Franklin County. Appeal from the Court of Appeals for Franklin County, No. 91AP-580. Judgment affirmed.

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

92-757. Farley v. Progressive Cas. Ins. Co.

Lucas County. Appeal from the Court of Appeals for Lucas County, No. L-90-323. Motion to certify allowed and cause reversed.

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

Sweeney and Douglas, JJ., dissent.

Resnick, J., not participating.

92-787. Lewis v. Chardon.

Geauga County. Appeal from the Court of Appeals for Geauga County, No. 92-G-1682. Motion to certify allowed, appeal reinstated and cause remanded.

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

92-834. Dayton Bar Assn. v. Hanaghan.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 91-51. Dennis M. Hanaghan is publicly reprimanded.

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

92-837. Disciplinary Counsel v. Conley.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 91-46. Donald Wayne Conley is publicly reprimanded.

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

92-905 and 92-906. Cuyahoga County Bar Assn. v. Berger et al.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 90-61. Sanford J. Berger and Robert M. Fertel are suspended from the practice of law for a period of one year.

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

SUPREME COURT OF OHIO

COLUMBUS

SUPPLEMENTAL ANNOUNCEMENT

9:00 A.M.

WEDNESDAY  
September 2, 1992

MERIT DOCKET

91-1028 and 91-1037. In re Petition to Annex 320 Acres to the Village of S. Lebanon.

Warren County. Appeals and Cross-Appeal from the Court of Appeals for Warren County, Nos. CA90-04-024 and CA90-08-054. Judgments reversed.

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

91-1038. In re Annexation of 311.8434 Acres of Land.

Butler County. Appeal from the Court of Appeals for Butler County, No. CA90-05-096. Judgment reversed.

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

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

WEDNESDAY  
September 2, 1992

MOTION DOCKET

91-2108. Taylor v. Natl. Group of Companies, Inc.

This cause came 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 petitioner's motion to advance case on docket,

IT IS ORDERED by the court that said motion to advance case on docket be, and the same is hereby, granted, effective August 25, 1992.

Holmes, J., dissents.

92-1582. State ex rel. Horwitz v. Probate Div., Court of Common Pleas of Cuyahoga Cty.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. Upon consideration thereof,

IT IS ORDERED by the court, sua sponte, that an alternative writ be, and the same is hereby, granted, effective August 25, 1992.

IT IS FURTHER ORDERED by the court that the hearing scheduled for August 27, 1992, before Judge John E. Corrigan of the Cuyahoga County Common Pleas Court, Probate Division, be stayed.

IT IS FURTHER ORDERED by the court that respondents are to show cause on or before September 14, 1992, why the writ of mandamus should not be granted.