

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

1:00 P.M.

WEDNESDAY
September 23, 1992

MERIT DOCKET

91-1459. State ex rel. Ohio Bldg. Restoration, Inc. v. Indus. Comm.
Franklin County, No. 91AP-76. Sua sponte, cause dismissed.

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

91-1866. State ex rel. Heare v. Akron.
Summit County, No. 15143. On motion to dismiss. Motion to dismiss
sustained. Cause dismissed.

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

92-228. Diamond Club v. Ins. Co. of N. Am.
Certified Question of State Law, No. 913277. Sua sponte, cause dismissed
for want of prosecution.

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

92-312. State ex rel. Hancock v. Ohio Adult Parole Auth.
In Mandamus. On motion to dismiss. Motion to dismiss sustained. Cause
dismissed.

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

92-831. Seals v. Shiplevy.
In Habeas Corpus. Sua sponte, cause dismissed.

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

Moyer, C.J., and H. Brown, J., would allow the writ, but deny relief.

92-1111. State v. Rodgers.
Cuyahoga County, No. 60254. On motion to dismiss. Motion to dismiss
sustained. Cause dismissed.

Moyer, C.J., Sweeney, Holmes, Wright and Resnick, JJ., concur.
Douglas and H. Brown, JJ., dissent and would grant an extension of time.

92-1113. State ex rel. Laguta v. Corrigan.
In Mandamus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

92-1122. State ex rel. Butler v. Ninth Dist. Court of Appeals.
In Mandamus. Sua sponte, cause dismissed.

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

92-1124. Farley v. Ohio State Adult Probation Auth.
In Habeas Corpus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

92-1133. Justice v. McMackin.
In Habeas Corpus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

92-1168. Posey v. Morris.
In Habeas Corpus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

92-1184. State ex rel. Cedeno v. McManamon.
Cuyahoga County, No. 63146. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

92-1412. Carpenter v. Martin.
Franklin County, No. 91AP-1373. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

92-1211. Watkins v. Littlefield.
In Habeas Corpus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

92-1214. Mitchell v. Tate.
In Habeas Corpus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

92-1230. Cutright v. Morris.

In Habeas Corpus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

92-1239. State ex rel. Horton v. Overberg.

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

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

92-1262. State ex rel. Bates v. Third Dist. Court of Appeals.

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

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

92-1331. State ex rel. Gamble v. Court of Common Pleas of Union Cty.

In Habeas Corpus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

92-1345. State ex rel. Fears v. Morris.

In Habeas Corpus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

92-1346. State ex rel. Crenshaw v. Morris.

In Mandamus. On answer of respondent. Answer treated as motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

92-1373. State v. Hill.

In Habeas Corpus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

92-1394. State ex rel. Harris v. State.

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

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

92-1475. Brown v. Morris.

In Habeas Corpus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

92-1609. State ex rel. Hager v. Stone.

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

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

DISMISSALS, SUA SPONTE, NO SUBSTANTIAL CONSTITUTIONAL
QUESTION AND JURISDICTIONAL MOTIONS OVERRULED

91-2074. State v. Williams.
Lucas County, No. L-90-175.
Wright, J., dissents.

92-273. State v. Cochran.
Richland County, No. CA-2870.

92-408. Suttles v. Whalen.
Hamilton County, No. C-910213.

92-527. State v. Moreland.
Franklin County, No. 91AP-742.

92-632. State v. Oswalt.
Richland County, No. CA-2880.

92-749. Volante v. Imported Auto Repair.
Cuyahoga County, No. 63246.

92-761. State v. Susser.
Montgomery County, No. 12745.

92-768. Warren v. Brake.
Trumbull County, Nos. 91-T-4513 and 91-T-4553.

92-780. State v. Tutolo.
Cuyahoga County, No. 60071.

92-791. Vance v. C-Med, Inc.
Cuyahoga County, No. 59859.

92-801. Chef Italiano Corp. v. Kent State Univ.
Portage County, No. 91-P-2308.

92-805. Karl Plaza Market, Inc. v. Freshman.
Franklin County, No. 91AP-1049.
Wright, J., dissents.

92-808. State ex rel. Schall v. Ohio Adult Parole Auth.
Franklin County, No. 91AP-1191.

92-815. State v. Mullins.
Franklin County, No. 91AP-814.

92-832. State v. Banks.
Cuyahoga County, No. 60244.

92-839. State v. McCullough.
Lucas County, No. L-91-128.

Holmes, Wright and H. Brown, JJ., dissent.

92-842. Dingus v. Kirwan.

Erie County, No. E-91-2.

Resnick, J., not participating.

92-899. Dingus v. Kirwan.

Erie County, No. E-91-2.

Resnick, J., not participating.

92-927. State v. Bland.

Cuyahoga County, No. 60290.

92-930. Spofforth v. Athens.

Athens County, No. CA-1487.

Holmes and H. Brown, JJ., dissent.

92-931. State v. Redding.

Cuyahoga County, No. 59972.

Holmes and H. Brown, JJ., dissent.

92-970. State v. Godley.

Seneca County, No. 13-91-31.

H. Brown, J., dissents.

92-971. State v. Kiss.

Lorain County, Nos. 91CA004978 and 91CA004988.

Douglas and H. Brown, JJ., dissent.

92-976. State v. Lankford.

Cuyahoga County, No. 62231.

Wright, J., dissents.

92-988. State v. Smoot.

Clark County, No. 2819.

92-992. State v. Pennymon.

Cuyahoga County, No. 59654.

92-1009. State v. McLemore.

Greene County, No. 91-CA-24.

H. Brown, J., dissents.

92-1012. State v. Sloan.

Franklin County, No. 91AP-944.

92-1016. State v. Rothacher.

Tuscarawas County, No. 91AP100078.

Douglas and Resnick, JJ., dissent.

92-1019. Ohio Dept. of Commerce, Div. of Licensing v. Szigeti.

Franklin County, No. 91AP-1187.

Douglas, J., dissents.

92-1024. State v. Chandler.

Cuyahoga County, No. 59764.

92-1036. State v. Samilton.
Cuyahoga County, No. 60265.
Resnick, J., dissents.

92-1037. State v. Wright.
Greene County, No. 90-CA-135.

92-1042. S.E. Johnson Co. v. Schelling.
Williams County, No. 91WM000015.

92-1044. J. Philip Davidson DPM, Inc. v. Higgins.
Mahoning County, No. 90 C.A. 207.
Wright and H. Brown, JJ., dissent.

92-1046. Euclid v. Ohio Bur. of Emp. Serv.
Cuyahoga County, Nos. 60304, 60305 and 60306.

92-1047. Hall v. Clearcreek Twp.
Warren County, No. CA91-10-073.

92-1048. State v. Patton.
Cuyahoga County, No. 60032.

92-1049. State v. Brown.
Tuscarawas County, No. 92AP020010.

92-1051. State v. Kouzelos.
Cuyahoga County, No. 62568.

92-1052. State v. Hamilton.
Licking County, No. CA-3688.

92-1056. State v. Owens.
Cuyahoga County, No. 60370.

92-1062. State v. Cottrill.
Franklin County, No. 91AP-1072.
Wright, J., dissents.

92-1066. State v. Wells.
Greene County, No. 90-CA-46.
Wright, J., dissents.

92-1068. Phillips v. Barnes.
Franklin County, No. 91AP-1202.

92-1069. Prosen v. Dimora.
Cuyahoga County, No. 59995.
Resnick, J., dissents.

92-1070. State v. Mowery.
Franklin County, No. 80AP-604.

92-1072. State v. Scott.
Mahoning County, No. 90 C.A. 38.

92-1075. Standring v. Xerox Corp.

Cuyahoga County, No. 60426.

92-1079. State v. Gilbert.
Cuyahoga County, No. 60350.

92-1083. State v. Lindley.
Hamilton County, No. C-910781.

92-1090. Roski v. Roski.
Cuyahoga County, No. 62370.

92-1091. All Structures, Inc. v. Hensley.
Lake County, No. 91-L-075.

92-1095. State v. Austin.
Summit County, No. 15277.

92-1096. State v. Ijaz.
Cuyahoga County, No. 60302.

92-1097. State v. Murr.
Sandusky County, No. S-91-13.

MOTION DOCKET

91-2001. Rockey v. 84 Lumber Co.
Cuyahoga County, Nos. 58610 and 58654. On motion of Patsy E. Cook for
leave to file amicus instanter. Motion granted.
Moyer, C.J., and Holmes, J., dissent.

91-2006. Katko v. Ohio State Univ. Hosp.
Franklin County, No. 90AP-1117. Sua sponte, cause to be set for oral
argument.

91-2010. Turner v. Turner.
Lorain County, No. 91CA004961. On motion for leave to file amicus of
Ohio Legal Rights Services. Motion granted.

91-2108. Taylor v. Natl. Group of Companies, Inc.
Certified Question of State Law, No. 3:89CV7009. On request for oral
argument. Request granted.
Douglas, J., dissents.

91-2200. Eastwood Mall, Inc. v. Slanco.
Trumbull County, No. 90-T-4433. On motion for leave to file amicus of
United Food and Commercial Workers Union, Ohio State Council, AFL-CIO.
Motion granted.
Holmes and Wright, JJ., dissent.

91-2476. Case v. Norfolk & Western RR. Co.
Sandusky County, No. S-90-24. On motion for leave to file amicus of
Association of Trial Lawyers of America, and for joinder. Motion granted.
Holmes, J., dissents.
Resnick, J., not participating.

91-2573. In re Investigation of Natl. Union Fire Ins. Co. of Pittsburgh, Pa.

Franklin County, No. 90AP-812. On motion for leave to exceed page limit in reply brief. Motion denied.

Sweeney, Douglas and H. Brown, JJ., dissent.

92-25. McCallum v. Am. States Ins. Co.

Lucas County, Nos. L-90-353 and L-90-354. On motion to dismiss. Motion to dismiss overruled.

Resnick, J., not participating.

92-183. State ex rel. Fowkes v. Marchewka.

In Mandamus. On motion to dismiss. Motion to dismiss overruled.

Holmes, J., dissents.

92-190. State ex rel. Vindicator Printing Co. v. Watkins.

Trumbull County, No. 91-T-4555. On motion for leave to file amicus of Beacon Journal Publishing Company et al. Motion granted.

92-194. State v. Nicholas.

Warren County, No. CA91-01-004. On motion for leave to file amicus of Ohio Association of Criminal Defense Lawyers. Motion granted.

Holmes, J., dissents.

92-241. Blazic v. Ohio State Dental Bd.

Hamilton County, No. C-900336. On motion to clarify court order. Motion denied.

92-281. State v. Ulis.

Lucas County, No. L-90-264. On motion to consolidate with 92-526, State v. Ulis, Lucas County, No. L-90-264. Motion granted.

92-286. Hecht v. Levin.

Cuyahoga County, Nos. 59445 and 59496. On motion for leave to file amicus of Board of Commissioners on Grievances and Discipline et al. Motion granted.

On motion to strike. Motion denied.

92-480. Burgess v. Eli Lilly & Co.

Certified Question of State Law, No. 91-3718. On request for oral argument. Request granted.

92-556. State ex rel. Smith v. O'Connor.

In Prohibition. On motion to dismiss and on motion for leave to intervene. Motion to dismiss overruled; motion for leave to intervene granted.

Holmes, J., dissents.

92-566. Graham v. Mengel.

On motion for leave to file amicus of Ohio Board of Bar Examiners. Motion granted.

Moyer, C.J., and H. Brown, J., not participating.

92-625. Gergely v. Van Voorhis.

Erie County, Nos. E-90-36 and E-89-10. On motion to remand. Motion granted.

Resnick, J., not participating.

On motion for leave to supplement the record. Motion granted.
Sweeney and Douglas, JJ., dissent.
Resnick, J., not participating.

92-863. Greene v. Univ. Hosp. of Cleveland.
Cuyahoga County, No. 59899. On motion for leave to amend memorandum.
Motion granted.

92-990. State v. Eberling.
Cuyahoga County, Nos. 58559 and 58560. On motions for leave to file
delayed cross-appeal, for extension, and to withdraw as counsel. Motions
granted.

92-1000. State ex rel. Ellis v. McGraw-Edison.
Franklin County, No. 91AP-727. On motion for leave to file record and
brief instant. Motion granted.

92-1181. State ex rel. Ohio Mechanical Contracting Industry, Inc. v.
Cleveland.
In Mandamus. On motions for leave to file amicus of Organization of
Minority Businesses, Cleveland Business League et al., and Ohio Municipal
League et al. Motions granted.

92-1199. MCI Telecommunications Corp. v. Limbach.
Board of Tax Appeals, No. 88-G-1137. On motions for leave to proceed pro
hac vice and on motion for leave to substitute certified copies of the
record. Motions granted.

92-1293. State v. Brown.
Clermont County, No. CA91-08-056. On motion for leave to file notice of
appeal instant. Motion granted.

92-1298. State v. Swindler.
Franklin County, No. 90AP-1094. On motion for leave to file delayed
appeal. Motion denied.

92-1384. State v. Dunn.
Hamilton County, No. C-890421. On motion for leave to file delayed
appeal. Motion denied.
Douglas, H. Brown and Resnick, JJ., dissent.

92-1390. State v. Grimes.
Champaign County, No. 90-CA-26. On motion for leave to file delayed
appeal. Motion granted.

92-1391. Dayton Bar Assn. v. Susser.
On motion for extension of time to respond to show cause order. Motion
granted.

92-1393. State v. Azizhakim.
Cuyahoga County, No. 63510. On motion for leave to file delayed appeal.
Motion granted.
Wright, J., dissents.

92-1395. Coleman v. Brown.
Cuyahoga County, No. 60414. On motion to reconsider denial of extension
and motion for leave to file memorandum in support instant. Motions

denied.

92-1405. State v. McIntyre.
Summit County, No. 15348. On motion for stay. Motion denied.

92-1413. State v. Appling.
Cuyahoga County, No. 60177. On motion for leave to file delayed appeal.
Motion granted.
Resnick, J., dissents.

92-1427. State v. Chamberlain.
Cuyahoga County, No. 58949. On motion for leave to file delayed appeal.
Motion granted.

92-1440. State v. Key.
Franklin County, No. 91AP-1517. On motion to consolidate with 92-1254,
State v. Key, Franklin County, No. 91AP-1519. Motion denied.

92-1458. State v. Tribble.
Montgomery County, No. 12947. On motion for leave to file delayed
appeal, motion to certify the record, and motion for delayed
reconsideration. Motions denied.

92-1493. Klensch v. Klensch.
Hamilton County, No. C-910054. On motion for leave to file notice of
appeal and memorandum in support instant. Motion denied.
Wright, J., would dismiss the cause.

92-1499. State v. Blevins.
Washington County, No. 88-CA-26. On motion for leave to file delayed
appeal. Motion granted.
Moyer, C.J., and Resnick, J., dissent.

92-1510. State v. Collins.
Hocking County, No. 91-CA-17. On motion to withdraw as counsel. Motion
granted.
Wright, J., would appoint the Ohio Public Defender.

JURISDICTIONAL MOTIONS ALLOWED

92-677. Fogle v. Cessna Aircraft Co.
Franklin County, No. 90AP-977.
Moyer, C.J., and Resnick, J., dissent.
H. Brown, J., not participating.

92-742. Garrett v. Sandusky.
Erie County, No. E-91-5. On motion and cross-motion to certify the
record. Motions allowed.
Sweeney and Wright, JJ., dissent.
On motion for leave to withdraw as counsel. Motion granted.

92-947. Perez v. Cleveland.
Hamilton County, No. C-910408.
Moyer, C.J., and Sweeney, J., dissent.
On motion for leave to file memorandum opposing instant. Motion

granted.

92-973. Leibreich v. A.J. Refrigeration, Inc.
Hamilton County, No. C-910241.
Moyer, C.J., Holmes and Wright, JJ., dissent.

92-1002. Jenkins v. James B. Day & Co.
Franklin County, No. 91AP-1124.
Sweeney, Holmes and Douglas, JJ., dissent.

92-1004. State v. Henderson.
Cuyahoga County, No. 58560.
On motion and cross-motion for leave to appeal. Motions allowed.
Sweeney, Douglas and Wright, JJ., dissent.

92-1018. Crock Constr. Co. v. Stanley Miller Constr. Co.
Noble County, No. 206.
Sweeney, Douglas and Resnick, JJ., dissent.

92-1028. Gover v. State.
Hamilton County, No. C-910314.
Sweeney and Holmes, JJ., dissent.

92-1032. Cincinnati Ins. Co. v. Heritage Buffing & Polishing, Inc.
Fairfield County, No. 29-CA-91.
Moyer, C.J., Wright and H. Brown, JJ., dissent.

92-1035. Hughes v. State.
Franklin County, Nos. 91AP-1167 and 91AP-1168.
Moyer, C.J., Holmes and Wright, JJ., dissent.

92-1064. Atwater Twp. Trustees v. BFI Willowcreek Landfill.
Portage County, No. 91-P-2375.
Moyer, C.J., Douglas and Resnick, JJ., dissent.

92-1080. Ohioans for Fair Representation, Inc. v. Taft.
Franklin County, No. 91AP-834.
H. Brown and Resnick, JJ., dissent.

92-1093. Aluminum Lines Prod. Co. v. Rolls-Royce Motors, Inc.
Cuyahoga County, No. 59790. On motion and cross-motion to certify the
record. Motions allowed.
Moyer, C.J., and Sweeney, J., dissent.
On motion for leave to file memorandum opposing cross-appeal
instantly. Motion granted.

92-1169. Freeman v. Holzer Med. Ctr.
Gallia County, No. 91-CA-8. On motion to consolidate with 92-1005,
Freeman v. Holzer Med. Ctr., Gallia County, No. 91-CA-8. Motion to
consolidate granted.

Sweeney and Holmes, JJ., dissent and would grant the motion to
dismiss.

Moyer, C.J., not participating.
Sua sponte, the motion to certify in 92-1005 is allowed.
Sweeney and Holmes, JJ., dissent.
Moyer, C.J., not participating.

JURISDICTIONAL MOTIONS OVERRULED

92-793. State v. Hubbard.
Butler County, No. CA90-10-215.

92-798. State v. Adkins.
Ashtabula County, No. 91-A-1651.

92-872. State v. Phillips.
Lorain County, No. 91CA004999.

92-887. Associated Maintenance & Roofing Co. v. Rockwell Internatl. Corp.
Hardin County, No. 6-91-12.
Resnick, J., dissents.

92-895. Reeser v. Weaver Bros., Inc.
Darke County, No. 1280. On motion and cross-motion for leave to appeal.
Motions denied.
H. Brown and Resnick, JJ., dissent.

92-938. Tillimon v. Whitten.
Lucas County, No. L-91-431.
Resnick, J., not participating.

92-1007. In re Eaglewood Care Ctr. Woodland Manner Ltd. Partnership.
Franklin County, No. 91AP-357.
Moyer, C.J., and H. Brown, J., dissent.

92-1010. Davis v. Davis.
Cuyahoga County, Nos. 60224, 60751 and 61832. On motion and cross-motion
for leave to appeal. Motions denied.

92-1013. Robinson v. Progressive Cas. Ins. Co.
Ross County, No. 1754.

92-1014. Nail v. Leader Natl. Ins. Co.
Montgomery County, No. CA 12535.

92-1015. Soehnlén v. Fabe.
Franklin County, No. 91AP-924.
H. Brown, J., dissents.

92-1017. State v. Rivers.
Franklin County, No. 92AP-432.

92-1020. Teague v. St. Luke's Hosp.
Cuyahoga County, No. 59920.
Resnick, J., dissents.
Douglas, J., not participating.

92-1022. State v. Lawson.
Lucas County, No. L-91-225.
Moyer, C.J., and Resnick, J., dissent.

92-1023. Gruber v. Gruber.

Geauga County, No. 91-G-1663.

92-1029. Maumee v. Hale.

Lucas County, No. L-91-188.

Douglas and Wright, JJ., dissent.

92-1031. Stroud v. Cincinnati Ins. Co.

Hamilton County, No. C-910325.

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

92-1034. Vukovic v. Space Care, Inc.

Cuyahoga County, No. 60339.

92-1038. WKBN Broadcasting Corp. v. Levin.

Mahoning County, No. 91 C.A. 83.

H. Brown, J., dissents.

92-1043. Hanna v. Redlin Rubbish Removal, Inc.

Summit County, No. 15280.

Douglas, H. Brown and Resnick, JJ., dissent.

92-1054. Triggs v. Payton.

Hamilton County, No. C-910487.

H. Brown, J., dissents.

92-1055. Continental Cas. Co. v. Central Mut. Ins. Co.

Lucas County, No. L-91-099.

Wright, J., dissents.

92-1063. In re Trust Under Will of Hodesson.

Trumbull County, No. 91-T-4566.

H. Brown, J., dissents.

92-1074. Cincinnati ex rel. Kuntz v. Cincinnati.

Hamilton County, Nos. C-910242 and C-910263.

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

92-1076. McGoldrick v. Kirby.

Lorain County, No. 91CA005112.

Resnick, J., dissents.

92-1081. Hillside Dairy v. Hav-A-Bar, Inc.

Cuyahoga County, No. 60283.

92-1087. McHenry v. Mihm.

Clark County, No. 2829.

Wright, J., dissents.

92-1094. Krsacok v. Hattendorf.

Wood County, No. 91-WD-62.

92-1100. State v. Hudson.

Fayette County, No. CA91-09-016.

Douglas and Wright, JJ., dissent.

90-427. State v. Alexander.
Mahoning County, No. 88 C.A. 218. Reported at 52 Ohio St.3d 701,
N.E.2d . On motions for rehearing and for stay. Motions denied.

90-1717. State ex rel. Johnson v. Hunter.
Cuyahoga County, No. 59570. Reported at 64 Ohio St.3d 243,
N.E.2d . On motion for rehearing. Rehearing denied.

90-2480. State ex rel. Evans v. Indus. Comm.
Franklin County, No. 88AP-984. Reported at 64 Ohio St.3d 236,
N.E.2d . On motion for rehearing. Rehearing denied.
Resnick, J., dissents.

91-401. State ex rel. LTV Steel Co. v. Gwin.
In Prohibition. Reported at 64 Ohio St.3d 245, N.E.2d . On
motion for rehearing. Rehearing denied.
On motion for relief from judgment and for new trial. Motion denied.

91-963. State v. Carter.
Hamilton County, No. C-890513. Reported at 64 Ohio St.3d 218,
N.E.2d . On motion for rehearing. Rehearing denied.

91-1412. Provens v. Stark Cty. Bd. of Mental Retardation & Developmental
Disabilities.
Stark County, No. CA-8269. Reported at 64 Ohio St.3d 252,
N.E.2d . On motions for rehearing and for leave to file additional
authority. Motions denied.

91-1933. State v. Mosley.
Montgomery County, No. CA 11824. Reported at 62 Ohio St.3d 1488,
N.E.2d . On motion for rehearing. Rehearing denied.

91-2465. Chifu v. Belgrade Gardens, Inc.
Summit County, No. 15035. Reported at 63 Ohio St.3d 1431,
N.E.2d . On motion for rehearing. Rehearing denied.
Resnick, J., dissents.

92-46. State v. Bivens.
Licking County, No. CA-3430. Reported at 64 Ohio St.3d 1427,
N.E.2d . On motion for rehearing. Rehearing denied.

92-696. Am. Energy Serv., Inc. v. Lekan.
Ashland County, No. CA-986. Reported at 64 Ohio St.3d 1431,
N.E.2d . On motion for rehearing. Rehearing denied.

92-725. Mace v. Sears Roebuck & Co.
Hamilton County, No. C-900398. Reported at 64 Ohio St.3d 1432,
N.E.2d . On motion for rehearing. Rehearing denied.
Moyer, C.J., and Douglas, J., dissent.

92-763. State v. Peci.
Summit County, No. 15082. Reported at 64 Ohio St.3d 1429,
N.E.2d . On motions for rehearing and for leave to supplement the
record. Motions denied.

92-924. State v. Blevins.
Cuyahoga County, No. 58081. Reported at 64 Ohio St.3d 1426,
N.E.2d . On motion for rehearing. Rehearing denied.

92-980. Studer v. Auglaize Cty. Mun. Court.
In Prohibition. Reported at 64 Ohio St.3d 1427, N.E.2d . On
motion for rehearing. Rehearing denied.

92-1098. Sales Consultants v. Buehler Lumber Co.
Cuyahoga County, No. 62613. Reported at 64 Ohio St.3d 1434,
N.E.2d . On motion for rehearing. Rehearing denied.

92-1148. State ex rel. Stern v. Olivito.
In Prohibition. Reported at 64 Ohio St.3d 1427, N.E.2d . On
motion for rehearing. Rehearing denied.
Sweeney, Douglas and H. Brown, JJ., dissent.

92-1279. State ex rel. Henderson v. Lake Cty. Bd. of Elections.
In Mandamus. Reported at 64 Ohio St.3d 1426, N.E.2d . On
motion for rehearing. Rehearing denied.

DISCIPLINARY DOCKET

91-2165. Toledo Bar Assn. v. Lubitsky.
On response to show cause order. Gerald S. Lubitsky is found in contempt.
Douglas and Resnick, JJ., not participating.

91-2201. Columbus Bar Assn. v. Downey.
On letter of reconsideration. Jacqueline Souel Downey is granted leave
to pay board costs in installments; her request for waiver of the CLE
requirement is denied.

92-874. In re Timonere.
On response to show cause order. James Timonere is found in contempt.

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

1:00 P.M.

WEDNESDAY
September 23, 1992

MERIT DOCKET

91-582. The Limited Stores, Inc. v. Pan Am. World Airways.
Franklin County. Appeal from the Court of Appeals for Franklin County,
No. 89AP-502. Judgment affirmed in part and reversed in part.

Moyer, C.J., Sweeney and Wright, JJ., concur.

Holmes, Douglas, Bryant and Resnick, JJ., concur in part and dissent
in part.

Thomas F. Bryant, J., of the Third Appellate District, sitting for H.
Brown, J.