

ATTENTION

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

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

9:00 A.M.

WEDNESDAY
April 28, 1993

MERIT DOCKET

92-1754. Jones v. Morris.

In Mandamus. On motion to dismiss and on motion for summary
judgment. Motion to dismiss sustained. Cause dismissed.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney
and Pfeifer, JJ., concur.

92-2260. Hattie v. Anderson.

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

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney
and Pfeifer, JJ., concur.

92-2527. Disciplinary Counsel v. Paxton.

On Certified Report by the Board of Commissioners on Grievances and
Discipline of the Supreme Court, No. 91-48. Robert C. Paxton II is
publicly reprimanded.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney
and Pfeifer, JJ., concur.

93-10. Toledo Premium Yogurt, Inc. v. Pub. Util. Comm.

Public Utilities Commission, No. 91-1528-EL-CSS. On motions to
dismiss. The Public Utilities Commission's motion to dismiss is
granted. Cause dismissed. The motion to file appellant's record
instantly is denied as moot.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney
and Pfeifer, JJ., concur.

93-203. State ex rel. Thiel v. Ohio Adult Parole Auth.

In Mandamus. On answer of respondent. Sua sponte, cause dismissed.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

93-275. Farmer v. Ohio Dept. of Corr.

In Mandamus. On answer of respondent. Sua sponte, cause dismissed.

Moyer, C.J., A.W. Sweeney, Douglas, Resnick and F.E. Sweeney, JJ., concur.

Wright and Pfeifer, JJ., dissent and would grant one hundred seventy-nine days.

93-290. Bell v. Crawford.

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

Cause dismissed.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

93-449. State v. Scott.

Hamilton County, No. C-920765. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick and F.E. Sweeney, JJ., concur.

Pfeifer, J., dissents.

93-464. State ex rel. Smith v. Eighth Dist. Court of Appeals.

In Procedendo. On motion to dismiss. Motion to dismiss sustained.

Cause dismissed.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

93-482. State ex rel. Collins v. Pokorny.

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

Cause dismissed.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

93-513. State ex rel. Laguta v. Corrigan.

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

Cause dismissed.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

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

93-3. State Farm Mut. Auto. Ins. Co. v. Latimore.

Cuyahoga County, No. 63142.

Douglas, J., dissents.

93-35. Gallo Displays, Inc. v. Cleveland Public Power.

Cuyahoga County, No. 61876.

Pfeifer, J., dissents.

F.E. Sweeney, J., not participating.

93-52. State v. Ward.

Allen County, No. 1-91-64.

93-67. McMaster v. Akron Hous. Appeals Bd.
Summit County, No. 15580.

93-87. State v. Prince.
Cuyahoga County, No. 61342.

93-102. State v. Hammock.
Cuyahoga County, No. 61068.
F.E. Sweeney, J., not participating.

93-109. State v. Hullinger.
Van Wert County, No. 15-92-10.

93-140. Shaffoe v. Ward.
Erie County, No. E-91-64.
Resnick, J., not participating.

93-145. State v. Hill.
Columbiana County, No. 90-C-56.
Douglas and Wright, JJ., dissent.

93-146. State v. White-Barnes.
Ross County, No. 1841.

93-150. State v. Watkins.
Trumbull County, No. 90-T-4370.
Wright, J., dissents.

93-162. State v. Estremera.
Franklin County, No. 92AP-720.

93-185. Nichols v. Cuyahoga Cty. Bd. of Mental Retardation &
Developmental Disabilities.
Cuyahoga County, No. 61111.
Douglas and Resnick, JJ., dissent.

93-188. State v. Pastors.
Lorain County, No. 92CA005308.

93-190. Camp v. Von Stein.
Clinton County, No. CA92-03-006.
Resnick, J., dissents.

93-198. Spurlock v. Thomas.
Lorain County, No. 92CA005341.

93-202. Bell v. Franklin Cty. Commrs.
Franklin County, Nos. 92AP-992 and 92AP-872.

93-207. State v. Anderson.
Cuyahoga County, No. 61471.
F.E. Sweeney, J., not participating.

93-219. State v. Henry.
Cuyahoga County, No. 63536.

93-229. State v. Lee.
Franklin County, No. 90AP-743.

93-231. State v. Reese.
Franklin County, No. 92AP-732.
Wright, J., dissents.

93-232. State v. Williams.
Franklin County, No. 92AP-918.

93-233. Brady Area Residents Assn. v. Franklin Twp. Zoning Bd. of Appeals.
Portage County, No. 92-P-0034.
Moyer, C.J., dissents.

93-257. State v. Ross.
Erie County, No. E-92-24.
Wright, J., dissents.
Resnick, J., not participating.

93-260. Nagucki v. Northfield Park Harness.
Cuyahoga County, No. 63343.
Resnick, J., dissents.

93-263. State v. Brown.
Cuyahoga County, No. 61478.

MOTION DOCKET

92-198. Shaffer v. Maier.
Hamilton County, Nos. C-900573 and C-900600. On motion for leave to file amicus of Professor Emerson. Motion denied.

92-1873. Kiel v. Green Local School Dist. Bd. of Edn.
Wayne County, No. 2709. On motion for leave to file amicus of Ohio School Boards Association. Motion granted.

92-1925. Firestone v. Galbreath.
Certified Question of State Law, Nos. 904114, 904115, 904116 and 904117. On motion for leave to file supplemental brief. Motion granted.
Wright, J., not participating.

92-2194. Clark v. Southview Hosp. & Family Health Ctr.
Montgomery County, Nos. 12845 and 13060. On motions for leave to file amicus of Ohio Academy of Trial Lawyers and for extension. Motions granted.

92-2236. McFarland v. Bruno Mach. Corp.
Warren County, No. CA91-11-089. On motion for leave to file amicus of Ohio Academy of Trial Lawyers. Motion granted.

92-2345. Charter Oak Fed. Savings Bank v. Salaam.
Hamilton County, No. C-910760. On motion for leave to file memorandum in support instanter. Motion granted.
Moyer, C.J., and Wright, J., dissent.

92-2400. State v. Lentz.
Trumbull County, No. 91-T-4622. On motion for leave to file
appellant's brief instant. Motion granted.

Wright, J., dissents.

On motion to dismiss. Motion denied.

Wright, J., dissents.

93-39. State v. Moore.
Franklin County, No. 91AP-887. On motion for leave to file delayed
appeal. Motion granted.

Moyer, C.J., and F.E. Sweeney, J., dissent.

93-319. Hutchison v. Mihm.
Muskingum County, No. CA-9212. On motions for leave to file amicus of
United Steelworkers of America, AFL-CIO, and Ohio Academy of Trial
Lawyers. Motions granted.

93-326. State ex rel. Dispatch Printing Co. v. Lias.
Franklin County, No. 93AP-42. On motions for leave to file amicus of
Ohio Association of Juvenile and Family Court Judges and Ohio
Association of CASA/GAL. Motions granted.

93-333. State v. Workman.
Summit County, No. 15730. On motion for leave to file memorandum in
support instant. Motion granted.

Douglas, Wright and F.E. Sweeney, JJ., dissent.

93-471. Indus. Energy Consumers of the Ohio Power Co. v. Pub. Util.
Comm.
Public Utilities Commission, Nos. 92-01-EL-EFC and 92-101-EL-EFC. On
motion for leave to intervene of Ohio Power Company. Motion granted.

Wright, J., not participating.

93-505. Indus. Energy Consumers of the Ohio Power Co. v. Pub. Util.
Comm.
Public Utilities Commission, No. 92-790-EL-ECP. On motion for leave
to intervene of Ohio Power Company. Motion granted.

Wright, J., not participating.

93-506. In re Petition to Annex 941 Acres from Genoa & Orange Twps.
Delaware County, No. 92CAE06020. On motion for leave to amend
memorandum in support. Motion granted.

93-507. Block v. Littlefield.
Pickaway County, No. 91-CA-34. On motion for leave to supplement the
record. Motion denied.

93-532. State ex rel. Bohlman v. O'Donnell.
Cuyahoga County, No. 64388. On motion to consolidate with 92-2534,
Hiatt v. S. Health Facilities, Inc., Scioto County, No. 91CA2025.
Motion denied.

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

Sua sponte, this cause is held for the decision in 92-2534;
briefing schedule stayed.

93-536. Firestone v. Bank One, Akron, N.A.

Summit County, Nos. 15647 and 15653. On motion for leave to proceed pro hac vice. Motion granted.

93-537. Sierra Club v. Pub. Util. Comm.
Public Utilities Commission, NO. 92-790-EL-ECP. On motion for leave to intervene of Ohio Power Company. Motion granted.
Wright, J., not participating.

93-538. Sierra Club v. Pub. Util. Comm.
Public Utilities Commission, Nos. 92-01-EL-EFC and 92-101-EL-EFC. On motion for leave to intervene of Ohio Power Company. Motion granted.
Wright, J., not participating.

93-565. State v. Barth.
Washington County, No. 92-CA-17. On motion for leave to file delayed appeal. Motion granted.
Douglas, Wright and F.E. Sweeney, JJ., dissent.

93-566. Grimes v. Ohio Unemp. Comp. Bd. of Review.
Belmont County, No. 92-B-19. On motion for leave to file memorandum of Ormet Corporation instanter. Motion granted.

93-588. Schwartz v. Comcorp, Inc.
Cuyahoga County, No. 63479. On motion for leave to file amicus of Ohio Employment Lawyers Association. Motion granted.

93-602. Turner v. Tate.
Ross County, No. 92CA1859. On motion to waive requirements of filing appendix. Motion granted.
Moyer, C.J., Wright and F.E. Sweeney, JJ., dissent.

93-610. State v. McRae.
Cuyahoga County, No. 59363. On motion for leave to file delayed appeal. Motion denied.
Moyer, C.J., Resnick and Pfeifer, JJ., dissent.

93-613. State v. Gifford.
Summit County, No. 15245. On motion for leave to file delayed appeal. Motion denied.
Wright and Pfeifer, JJ., dissent.

93-623. State v. Nobles.
Montgomery County, No. 9721. On motion for leave to file delayed appeal. Motion denied.

JURISDICTIONAL MOTIONS ALLOWED

92-2583. Clark v. Nationwide Ins. Co.
Franklin County, No. 92AP-485. On motion to certify the record and on motion for leave to supplement memorandum. Motions granted.
Moyer, C.J., and Wright, J., dissent.

93-105. J.C. Penney Cas. Ins. Co. v. Adkins.
Franklin County, No. 92AP-498.
Moyer, C.J., and Wright, J., dissent.

93-155. Spremulli's Am. Serv. v. Cincinnati Ins. Co.
Cuyahoga County, No. 61213.
Moyer, C.J., A.W. Sweeney and Wright, JJ., dissent.

93-216. Boewe v. Ford Motor Co.
Cuyahoga County, No. 61183.
Moyer, C.J., Wright and Resnick, JJ., dissent.

JURISDICTIONAL MOTIONS OVERRULED

92-2390. Nehoda v. Nehoda.
Cuyahoga County, No. 60812.

93-83. Kruse v. Vollmar.
Wood County, No. 92WD019.

93-103. Langley v. Prescott Travel.
Cuyahoga County, No. 61384.
Douglas, J., dissents.
F.E. Sweeney, J., not participating.

93-116. Ford v. Tonti.
Franklin County, No. 91AP-715.
Pfeifer, J., dissents.
Wright, J., not participating.

93-149. S-Products B.V. v. Noral, Inc.
Cuyahoga County, No. 61347.
Wright and Resnick, JJ., dissent.

93-151. Ansari v. Glaser.
Hamilton County, No. C-910118.
Pfeifer, J., dissents.

93-164. Sherman v. Dayton Bd. of Zoning Appeals.
Montgomery County, No. 13291.
Wright and Pfeifer, JJ., dissent.

93-167. State v. Baker.
Clermont County, No. CA92-01-009.
Moyer, C.J., and Wright, J., dissent.

93-169. State v. Turner.
Lake County, No. 91-L-043.

93-173. Shaheen v. Boston Mills Ski Resort, Inc.
Summit County, No. 15595.
Wright and Resnick, JJ., dissent.

93-178. Triplett v. Rosen.
Franklin County, Nos. 92AP-816 and 92AP-817.
Moyer, C.J., Wright and Pfeifer, JJ., dissent.

93-191. Wright v. Toys "R" Us, Inc.
Belmont County, No. 92-B-7.
Douglas, J., dissents.

93-222. Parker v. Copey's Butcher Shop, Inc.
Clark County, No. CA-2820.
Pfeifer, J., dissents.

93-235. Monateri v. Polito, Zebark, Inc.
Lake County, No. 92-L-088.

93-236. Ruby v. Ohio Dept. of Natural Resources.
Franklin County, No. 92AP-947.
Douglas and Pfeifer, JJ., dissent.

93-237. Harman v. Schnurmacher.
Portage County, No. 92-P-0040.
Wright, J., dissents.

93-238. State v. Turvey.
Scioto County, No. 90CA1915. On motion and cross-motion for leave to
appeal. Motions denied.
Moyer, C.J., and Pfeifer, J., dissent.

93-288. Whiteaker v. Nationwide Prop. & Cas. Ins. Co.
Cuyahoga County, No. 63630. On motion to certify the record and on
motion to consolidate with 93-133, Garlikov v. Continental Cas. Co.,
Certified Question of State Law. Motions denied.
Wright, J., dissents.
F.E. Sweeney, J., not participating.

REHEARING DOCKET

92-1165. Jackson v. Regional Transit Auth.
Cuyahoga County, No. 60443. Reported at 66 Ohio St.3d 1437,
N.E.2d . On second motion for rehearing. Motion denied.

92-1324. Disciplinary Counsel v. Nichols.
Reported at 66 Ohio St.3d 54, N.E.2d . On motion for
rehearing. Rehearing denied.
Moyer, C.J., and Resnick, J., dissent.

92-1802. State v. Freeman.
Montgomery County, No. 12198. Reported at 66 Ohio St.3d 1443,
N.E.2d . On motion for rehearing. Rehearing denied.
Wright, J., dissents.

92-2171. Tresner v. Pepsi Cola Bottling Co. of Columbus.
Franklin County, No. 91AP-1093. Reported at 66 Ohio St.3d 1439,
N.E.2d . On motion for rehearing. Rehearing denied.

92-2247. Crenshaw v. Ohio Unemp. Comp. Bd. of Review.
Lucas County, No. L-92-330. Reported at 66 Ohio St.3d 1422,
N.E.2d . On motion for rehearing. Rehearing denied.

92-2439. Lake White Community Assoc., Inc. v. Lucas.
Pike County, No. 477. Reported at 66 Ohio St.3d 1423, N.E.2d ,
and 66 Ohio St.3d 1447, N.E.2d . On second motion for
rehearing. Motion denied.

Pfeifer, J., dissents.

92-2520. Gerner v. Salem City School Dist. Bd. of Edn.
Columbiana County, No. 91-C-33. Reported at 66 Ohio St.3d 1440,
N.E.2d . On motion for rehearing. Rehearing granted and motion to
certify the record allowed.

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

92-2542. State v. Van Hook.
Hamilton County, No. C-910505. Reported at 66 Ohio St.3d 1440,
N.E.2d . On motion for rehearing. Rehearing denied.

92-2615. State v. Greer.
Summit County, No. 15217. Reported at 66 Ohio St.3d 1446,
N.E.2d . On motion for rehearing. Rehearing denied.
Wright, J., dissents.

93-30. Daugherty v. Wagner.
Fairfield County, No. 11-CA-92. Reported at 66 Ohio St.3d 1446,
N.E.2d . On motion for rehearing. Rehearing denied.
Moyer, C.J., and Wright, J., dissent.

93-381. Akron v. Smith.
Summit County, No. 15571. Reported at 66 Ohio St.3d 1445,
N.E.2d . On motion for rehearing. Rehearing denied.

93-401. Steverson v. Weiss.
Franklin County, No. 92AP-1082. Reported at 66 Ohio St.3d 1448,
N.E.2d . On motion for rehearing and on motion for leave to file
memorandum in support instanter. Motions denied.
Moyer, C.J., Wright and Pfeifer, JJ., dissent.

SUPREME COURT OF OHIO

COLUMBUS

SUPPLEMENTAL ANNOUNCEMENT

9:00 A.M.

WEDNESDAY
April 28, 1993

MERIT DOCKET

92-2227. Bobich v. Convenient Food Mart 3-109.

Cuyahoga County. Certified by the Court of Appeals for Cuyahoga County, No. 62923. Judgment reversed and trial court's award reinstated.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

92-2343 and 92-2589. Cook v. Naveau.

Allen County. Appeals from the Court of Appeals for Allen County, No. 1-92-1. Judgment reversed and cause remanded for new trial.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.