

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

1:00 P.M.

WEDNESDAY
May 5, 1993

MERIT DOCKET

92-340. State ex rel. Fisher v. Burkhardt.
Fairfield County. Appeal from the Court of Appeals for Fairfield
County, No. CA21-91. Judgment affirmed.

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

92-360. State ex rel. Fant v. Enright.
Franklin County. Appeal from the Court of Appeals for Franklin
County, No. 91AP-264. Judgment reversed and writ allowed.

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

92-713. State ex rel. Eaton Corp. v. Indus. Comm.
Franklin County. Appeal from the Court of Appeals for Franklin
County, No. 90AP-1364. Judgment reversed in part, affirmed in part
and limited writ granted.

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

92-767. Kennecorp Mtge. Brokers, Inc. v. Country Club Convalescent
Hosp., Inc.
Lucas County. Appeal from the Court of Appeals for Lucas County, No.
L-91-157. Judgment affirmed.

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

Douglas, J., not participating.

92-1238. Lincoln Elec. Co. v. Limbach.

Appeal from the Board of Tax Appeals, No. 88-E-651. Decision affirmed.
Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney
and Pfeifer, JJ., concur.

92-1259. Lima v. Allen Cty. Budget Comm.
Appeal and Cross-Appeal from the Board of Tax Appeals, Nos. 85-D-224
and 85-D-1040. Decision affirmed in part and cause remanded.
Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney
and Pfeifer, JJ., concur.

92-2167. Cincinnati Bar Assn. v. Tekulve.
On Certified Report by the Board of Commissioners on Grievances and
Discipline of the Supreme Court, No. 91-31. Charles J. Tekulve is
suspended from the practice of law for one year.
Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney
and Pfeifer, JJ., concur.

93-26. State ex rel. Richard v. Calabrese.
Cuyahoga County. Appeal from the Court of Appeals for Cuyahoga
County, No. 63888. Judgment affirmed.
Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney
and Pfeifer, JJ., concur.

93-384. State ex rel. Welser v. Littlefield.
In Mandamus. On answer of respondent. Answer treated as 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.

93-497. State ex rel. Scales v. Hamilton County Court of Common Pleas.
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.

93-525. Pettit v. Grady.
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.

93-528. State ex rel. Morrow v. Ammer.
In Mandamus. On motion to dismiss and on motion for summary
judgment. Motion to dismiss sustained. Cause dismissed.
Moyer, C.J., A.W. Sweeney, Resnick and Pfeifer, JJ., concur.
Douglas, J., would convert the motion for summary judgment into a
motion to dismiss and grant the motion to dismiss.
Wright and F.E. Sweeney, JJ., would grant the motion for summary
judgment.

93-612. State ex rel. McKeague v. Ohio Adult Parole Auth.
In Mandamus. On answer of respondent. Answer treated as 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.

93-551. State v. St. Meyer.

Hancock County, No. 5-92-29.

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.

93-713. State ex rel. May v. Hendon.

On motion to adopt memorandum in State ex rel. May v. Hendon (1993),
66 Ohio St.3d 3, N.E.2d , as brief. Sua sponte, cause
dismissed.

Moyer, C.J., Wright, F.E. Sweeney and Pfeifer, JJ., concur.

A.W. Sweeney, Douglas and Resnick, JJ., would deny the motion.

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

92-2488. Holiday Homes, Inc. v. Miami Twp. Bd. of Trustees.

Clermont County, Nos. CA91-11-096 and CA91-11-097. On motion and
cross-motion to certify the record. Motions denied.

Wright, J., dissents.

92-2517. In re Custody of Ahmad.

Hamilton County, No. C-920527.

93-19. Crosby v. Beam.

Lucas County, No. L-91-116. On motion and cross-motion to certify the
record. Motions denied.

Moyer, C.J., and Douglas, J., dissent.

93-22. Broadview Hts. v. Abkemeier.

Cuyahoga County, No. 60297.

Moyer, C.J., A.W. Sweeney and Resnick, JJ., dissent.

93-85. State v. Williams.

Licking County, No. 92-CA-18.

93-106. State v. Breeze.

Franklin County, No. 92AP-258.

93-120. State v. Mandery.

Adams County, No. CA-535.

93-157. State v. Billheimer.

Montgomery County, No. 13281.

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

93-193. State v. Simon.

Lorain County, No. 92CA005503.

93-200. State v. Larabee.

Fairfield County, No. 8-CA-92.

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

93-205. State v. Wolf.

Crawford County, No. 3-92-22.

93-214. State v. Goodlow.
Cuyahoga County, Nos. 63597, 63598 and 63599.
Moyer, C.J., and Resnick, J., dissent.

93-217. State v. Williams.
Cuyahoga County, No. 61262. On motion and cross-motion for leave to
appeal. Motions denied.
Resnick, J., dissents.

93-228. Perrysburg v. Pheils.
Wood County, No. 92WD035.
Resnick, J., not participating.

93-234. State v. Jacks.
Butler County, No. CA92-05-091.
Wright and Pfeifer, JJ., dissent.

93-239. In re Annexation of 550.626 Acres from Butler Twp.
Montgomery County, No. 13398.
Moyer, C.J., Douglas and Pfeifer, JJ., dissent.

93-240. State v. Hayes.
Cuyahoga County, No. 61396.
Pfeifer, J., dissents.
F.E. Sweeney, J., not participating.

93-249. Hooven v. Four Star Produce, Inc.
Cuyahoga County, No. 63628.
Pfeifer, J., dissents.
F.E. Sweeney, J., not participating.

93-253. State v. Resh.
Portage County, No. 90-P-2256.
Moyer, C.J., and Wright, J., dissent.

93-266. Copperlite Plumbing Co. v. Star-Lite Bldg. & Developing Co.
Cuyahoga County, No. 63374.
Wright, J., would allow on Proposition of Law No. I only.

93-267. State ex rel. Sneary v. Miller.
Allen County, No. 1-92-39.

93-277. State v. McBride.
Lake County, No. 91-L-171.

93-282. State v. Morgan.
Richland County, No. 92-CA-13.

93-283. Lonsdale v. Academy of Med. of Cleveland.
Cuyahoga County, No. 61405.
Pfeifer, J., dissents.

93-284. State v. Meyers.
Hamilton County, No. C-910665.

92-1985. Columbia Gas of Ohio, Inc. v. Limbach.
Board of Tax Appeals, No. 89-X-44. On request for oral argument
before full court. Request granted.

92-2299. Hamilton Cty. Order of Eastern Star Home, Inc. v. Limbach.
Board of Tax Appeals, No. 90-M-404. On request for oral argument
before full court. Request granted.

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

93-47. State ex rel. Cuyahoga Cty. Democratic Party Executive Commt.
v. Taft.

In Mandamus. On motion to file reply brief. Motion granted.

Douglas, J., dissents.

Wright, J., not participating.

On motion to strike reply brief and additional evidence. Motion
denied.

Douglas and Resnick, JJ., dissent.

Wright, J., not participating.

93-358. State ex rel. Dublin Securities, Inc. v. Ohio Div. of
Securities.

Franklin County, No. 91AP-782. On motion to inspect records. Motion
granted.

93-543. State ex rel. Gerhart v. Summit Cty. Court of Common Pleas.
In Procedendo. Sua sponte, alternative writ granted.

93-546. State ex rel. Jacobs v. Logan Cty. Court of Common Pleas.
In Procedendo. Sua sponte, alternative writ granted.

93-634. State ex rel. Hillyer v. Tuscarawas Cty. Bd. of Commrs.
Tuscarawas County, No. 92AP090064. On motion to consolidate with
93-473, State ex rel. Hillyer v. Tuscarawas Cty. Bd. of Commrs.,
Tuscarawas County, No. 92AP090064. Motion granted.

93-664. State v. Helton.

Hamilton County, No. C-920451. On motion for leave to file delayed
appeal. Motion denied.

Pfeifer, J., dissents.

93-670. State v. Banks.

Seneca County, No. 13-89-41. On motion for leave to file delayed
appeal. Motion denied.

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

93-680. Habe v. S. Euclid Civ. Serv. Comm.

Cuyahoga County, No. 61786. On motion for leave to exceed page
limit. Motion denied.

A.W. Sweeney, Douglas and Resnick, JJ., dissent.

93-704. In re O'Leary.

On motion to show cause directed to Attorney O'Leary. Motion to show
cause granted.

JURISDICTIONAL MOTIONS ALLOWED

92-668. Masters v. Masters.

Allen County, No. 1-91-23.

A.W. Sweeney, Wright and Resnick, JJ., dissent.

93-186. M.J. DiCorpo, Inc. v. Sweeney.

Cuyahoga County, No. 61017. On motion and cross-motion to certify the record. Motions allowed.

Douglas, J., dissents.

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

93-225. Kucharski v. Eng. & Contracting Co.

Cuyahoga County, No. 62273.

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

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

93-227. State ex rel. Lightfield v. Indian Hill.

Hamilton County, No. C-910495.

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

93-280. Freeman v. Norfolk & W. Ry. Co.

Erie County, No. E-90-68.

Resnick, J., not participating.

93-295. Ford v. Talley Mach. Corp.

Cuyahoga County, No. 60415.

Moyer, C.J., A.W. Sweeney and Wright, JJ., dissent.

JURISDICTIONAL MOTIONS OVERRULED

92-2383. State v. Turner.

Montgomery County, No. 12436.

93-125. Fields v. Summit Cty. Executive Branch.

Summit County, No. 15567.

93-130. Petrosky v. Platt.

Montgomery County, No. 13322.

93-159. Hattie v. Hattie.

Stark County, No. CA-9067.

93-209. Ray v. Zeis.

Erie County, No. E-92-02. On motion to certify the record and on motion for leave to file memorandum in support instant. Motions denied.

Wright, J., dissents.

93-220. Myers v. Perttu.

Richland County, No. 92-CA-20.

93-223. Pease v. Croxton Realty.

Stark County, No. CA-8779.

93-230. Gallagher v. Borden, Inc.

Franklin County, No. 92AP-287.

Wright, J., not participating.

93-242. In re Musial.
Cuyahoga County, No. 64825.
Wright, J., dissents.

93-246. State v. Roundtree.
Cuyahoga County, No. 61131.
F.E. Sweeney, J., not participating.

93-248. Clements v. First Choice Haircutters.
Cuyahoga County, No. 63714.
Resnick, J., dissents.

93-251. Levine-Baratto Assoc., Inc. v. Sal Butera Assoc., Inc.
Stark County, No. CA-8880.
Moyer, C.J., dissents.

93-255. State v. Gill.
Franklin County, No. 92AP-945.

93-276. Jenkins v. Roger C. Perry & Co., Inc.
Franklin County, Nos. 92AP-634 and 92AP-635.

93-289. State v. Carter.
Cuyahoga County, No. 62426.
F.E. Sweeney, J., not participating.

93-493. State v. Lowe.
Logan County, No. 8-92-36.
Moyer, C.J., Douglas and Pfeifer, JJ., dissent.

REHEARING DOCKET

92-1855. State v. Rountree.
Summit County, No. 15388. Reported at 66 Ohio St.3d 1430,
N.E.2d . On motion for rehearing. Rehearing denied.

93-97. Nationwide Ins. Co. v. Johnson.
Butler County, No. CA92-06-0115. Reported at 66 Ohio St.3d 1446,
N.E.2d . On motion for rehearing. Rehearing denied.
Moyer, C.J., and Pfeifer, J., dissent, and would grant the motion
and consolidate this cause with 92-1982, Stanton v. Nationwide Mut.
Ins. Co., Hamilton County, No. C-910750.
Wright, J., dissents and would grant the motion.

COLUMBUS

ANNOUNCEMENT

1:00 P.M.

WEDNESDAY
May 5, 1993

JURISDICTIONAL MOTIONS OVERRULED

93-224. Bruck Mfg. Co. v. Mason.
Cuyahoga County, No. 63600.

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

Peggy Bryant, J., of the Tenth Appellate District, sitting for
F.E. Sweeney, J.