

ATTENTION

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

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

9:00 A.M.

WEDNESDAY  
July 21, 1993

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

92-2642. State v. Murnahan.  
Clark County, No. 2161.

93-318. In re Doyle.  
Geauga County, No. 91-G-1643.

93-322. State v. Gondor.  
Portage County, No. 90-P-2260.  
Wright, J., dissents.

93-502. Gargallo v. Merrill Lynch, Pierce, Fenner & Smith, Inc.  
Franklin County, No. 92AP-1308.  
Wright, J., not participating.

93-524. State v. Gray.  
Allen County, No. 1-92-72.  
Moyer, C.J., dissents.

93-539. Lynch v. Lynch.  
Fairfield County, No. 7-CA-92.

93-565. State v. Barth.  
Washington County, No. 92-CA-17.

93-637. In re Forfeiture of Property no Longer Needed as Evidence.  
Lucas County, No. L-91-321.  
Douglas and Wright, JJ., dissent.

Resnick, J., not participating.

93-666. State v. Hicks.  
Hamilton County, No. C-910341.  
Wright, J., dissents.

93-667. Continental Ins. Co. v. Whittington.  
Darke County, No. CA-1295. (Notice of appeal by Hawes and second  
notice of appeal by Smith.)  
Resnick, F.E. Sweeney and Pfeifer, JJ., dissent.

93-683. Vallish v. Copley Bd. of Edn.  
Summit County, No. 15664.  
Moyer, C.J., and Pfeifer, J., dissent.

93-691. Akron v. Smith.  
Summit County, No. 15625.

93-697. GWF Corp. v. Hardman.  
Franklin County, No. 92AP-842.  
Wright, J., dissents.

93-721. State v. Besecker.  
Clark County, No. 2915.

93-723. Clark Oil & Refining Corp. v. Westlake Bd. of Zoning Appeals.  
Cuyahoga County, No. 63662.  
A.W. Sweeney, J., dissents.

93-744. Birmingham v. Williams.  
Hamilton County, No. C-920032.  
F.E. Sweeney and Pfeifer, JJ., dissent.

93-749. State v. Alaelidin.  
Cuyahoga County, No. 64100.  
Wright, J., dissents.

93-751. King v. Nationwide Ins. Co.  
Cuyahoga County, No. 64116.  
Douglas, Resnick and Pfeifer, JJ., dissent.

93-753. State v. Thrower.  
Summit County, Nos. 15737 and 15765. On motion for leave to appeal  
and on motion for leave to file four-volume brief filed in court of  
appeals. Motions denied.

93-761. State v. Williams.  
Cuyahoga County, No. 56726.

93-766. State v. Brown.  
Hamilton County, No. C-920300.  
Resnick, J., dissents.

93-769. Shaker Hts. v. Marcus.  
Cuyahoga County, No. 61801.

93-797. State v. Laub.

Hamilton County, No. C-920241.

Wright and Pfeifer, JJ., would allow on Proposition of Law No. I only.

93-802. State v. Freshour.  
Pickaway County, No. 83-CA-32.

93-826. Joseph v. Alexander.  
Stark County, No. CA-9151.

93-827. State v. Thompson.  
Franklin County, No. 92AP-1124.

93-837. State v. Stone.  
Hamilton County, No. C-920375.

93-844. Park v. Ambrose.  
Ross County, No. 1785. On motion and cross-motion to certify the record. Motions denied.  
Moyer, C.J., and Pfeifer, J., dissent.

93-859. DeLevie v. DeLevie.  
Franklin County, No. 92AP-1125.  
Douglas, Wright and Pfeifer, JJ., dissent.

93-874. Owens v. Wright.  
Cuyahoga County, No. 64031.

93-879. State v. Waugh.  
Huron County, No. H-91-051.  
Wright, J., dissents.  
Resnick, J., not participating.

93-918. State v. Moody.  
Franklin County, No. 92AP-699.  
Wright, J., dissents.  
Moyer, C.J., not participating.

93-919. Ucker v. Mt. Carmel Health.  
Franklin County, No. 92AP-1509.  
Wright, J., dissents.

#### JURISDICTIONAL MOTIONS ALLOWED

93-529. Ricciardi v. Babcock & Wilcox Co.  
Summit County, No. 15728.  
Moyer, C.J., and A.W. Sweeney, J., dissent.

93-597. Hoover v. Gamblin.  
Summit County, No. 15707. On motion to certify the record and on motion for leave to file amicus of Christian and Missionary Alliance. Motions granted.  
Resnick, F.E. Sweeney and Pfeifer, JJ., dissent.

93-788. Newland v. Erie Ins. Co.  
Montgomery County, No. 13548. On motion to certify the record.

Motion allowed; sua sponte, cause held for the decision in 92-952, Savoie v. Grange Mut. Ins. Co., Holmes County, No. CA-450; briefing schedule stayed.

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

93-810. Ault v. Jasko.

Lorain County, No. 92CA005344.

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

93-873. Sanderson v. Ohio Edison Co.

Ottawa County, No. 91OT056.

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

Resnick, J., not participating.

#### JURISDICTIONAL MOTIONS OVERRULED

93-70. Lake Buckhorn Property Owners Assn. v. Dunderman.

Holmes County, No. CA-464.

Pfeifer, J., dissents.

93-243. Bowling v. Mihm.

Montgomery County, No. 13120.

Resnick, J., dissents.

93-521. State v. Morehouse.

Meigs County, No. 92-CA-478.

93-555. State v. Clark.

Athens County, No. 1486.

93-560. Gilpen v. Justice.

Fayette County, No. CA92-03-008.

93-631. Smitek v. Peaco.

Lorain County, No. 92CA005359.

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

93-647. State v. Travis.

Cuyahoga County, No. 56825.

93-738. Rockwell v. Roberts.

Erie County, No. E-91-43. On motion to certify the record and on motion to consolidate with 92-2444, Stinson v. England, Montgomery County, No. 13073. Motions denied.

Douglas, J., would allow the motion to certify.

Resnick, J., not participating.

93-747. Olander v. Woodcliff Condominium Unit Owners Assn.

Franklin County, No. 92AP-1518.

93-752. Jefferson Twp. Bd. of Trustees v. Sunset Ramblers Motorcycle Club, Inc.

Crawford County, No. 3-92-42.

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

93-755. Lybarger v. Burma Farms, Inc.

Huron County, No. H-92-033.

93-760. State v. Swift.  
Geauga County, No. 92-G-1687.

93-768. Collova v. Matousek.  
Cuyahoga County, No. 61348.  
Moyer, C.J., Wright and F.E. Sweeney, JJ., dissent.

93-772. State v. Jackson.  
Hamilton County, No. C-920301.  
Wright and Pfeifer, JJ., dissent.

93-774. Lakes v. Minor.  
Butler County, Nos. CA92-07-132 and CA92-07-144. On motion and  
cross-motion to certify the record. Motions denied.  
Resnick, J., not participating.

93-790. Hutchison v. SMC Aluminum Foundry, Inc.  
Wood County, No. 91WD121.  
Douglas and Pfeifer, JJ., dissent.  
Resnick, J., not participating.

93-795. Cent. Benefits Mut. Ins. Co. v. RIS Administrators Agency,  
Inc.  
Franklin County, No. 92AP-1283.  
Pfeifer, J., dissents.

93-796. Cremeens v. Gallia Cty. Local School Dist. Bd. of Edn.  
Gallia County, No. 92-CA-12.  
Douglas, J., dissents.

93-804. Twinsburg City School v. Ohio Civ. Rights Comm.  
Summit County, No. 15651.

93-805. Wint v. Fark.  
Mercer County, No. 10-92-12.

93-807. Roberts v. Roberts.  
Highland County, No. 92-CA-800.

93-809. Lowry v. Drennen.  
Franklin County, No. 92AP-1173.  
Pfeifer, J., dissents.

93-813. State v. Mullins.  
Summit County, No. 15608.

93-816. Westerheide v. State Farm Ins. Co.  
Shelby County, No. 17-92-20.  
Wright and Pfeifer, JJ., dissent.

93-822. Pollock v. Kanter.  
Cuyahoga County, No. 61669.  
Pfeifer, J., would also refer this cause to the Office of  
Disciplinary Counsel for review.

93-838. Miskovic v. Tredway.  
Fulton County, No. 92FU00009.  
Wright and Resnick, JJ., dissent.

93-840. Schwimmer v. Bowsher.  
Franklin County, No. 92AP-1140.  
Douglas, Resnick and F.E. Sweeney, JJ., dissent.

93-851. Squire v. Squire.  
Geauga County, No. 92-G-1710.

93-855. Lape v. Rose.  
Butler County, No. CA92-09-172.  
Douglas and Wright, JJ., dissent.

93-878. Citizens Fed. Bank, FSB v. Mobley.  
Montgomery County, No. 13412.

93-884. Jordon v. Whitehall.  
Franklin County, No. 93AP-455.

93-885. Nichols v. Coast Distrib. Sys.  
Summit County, No. 15677.  
Wright, J., dissents.

93-892. Bittinger v. Klotzman.  
Cuyahoga County, No. 64190. (Notice of appeal by DeBalso and second  
notice of appeal by Klotzman.)  
Wright, J., dissents.

93-897. State v. Jones.  
Hamilton County, No. C-890030.

93-900. Rigdon v. Clermont Cty. Dept. of Human Serv.  
Clermont County, No. CA92-12-119.

93-949. Becker v. Garven.  
Licking County, No. 92-CA-88.

93-1006. Womack v. White.  
Ashtabula County, No. 92-A-1726.

SUPREME COURT OF OHIO

COLUMBUS

SUPPLEMENTAL ANNOUNCEMENT

WEDNESDAY  
July 21, 1993

MOTION DOCKET

93-1401. In re Musial.

Cuyahoga County, No. 64825. This cause is pending before the court on the filing of a motion for an order directing the Court of Appeals for Cuyahoga County to certify its record. Upon consideration of appellant's motion to stay pending proceedings in the probate court of Cuyahoga County, Ohio,

IT IS ORDERED by the court that said motion be, and the same is hereby, denied, effective July 16, 1993.

MISCELLANEOUS DISMISSALS

93-517. Leedy v. Cleveland Clinic Found.

Cuyahoga County, No. 64642. Cause dismissed, on appellants' application to dismiss, effective July 16, 1993.

MISCELLANEOUS DOCKET

In re Report of the Commission	:	1993 TERM
on Continuing Legal Education.	:	
	:	To wit: July 20, 1993
David George Korn	:	
(#0030589),	:	ENTRY
Respondent.	:	

This matter originated in this court on the filing of a report by the Commission on Continuing Legal Education (the "commission") pursuant to Gov. Bar R. X(6)(A)(1)(b) and (A)(2)(d). The commission recommended the imposition of sanctions against certain attorneys, including the above-named respondent, for failure to comply with the provisions of Gov. Bar R. X, Attorney Continuing Legal Education, for the 1990-1991 reporting period.

On June 18, 1993, this court adopted the recommendation of the commission, imposed a sanction fee upon the respondent and suspended the respondent from the practice of law pursuant to Gov. Bar R. X(6)(B)(3), and Gov. Bar R. X(5)(A)(4). The court further ordered that respondent shall not be reinstated to the practice of law in Ohio until respondent complies with the requirements for reinstatement set forth in Gov. Bar R. X(7).

On July 7, 1993, the commission filed a recommendation pursuant to Gov. Bar R. X(7)(B)(2), finding that the respondent has paid all fees assessed for noncompliance, has made up all deficiencies and is now in full compliance with all requirements of Gov. Bar R. X, and

recommending that the respondent be reinstated to the practice of law in Ohio. Upon consideration thereof,

IT IS ORDERED by the court that the recommendation of the commission is adopted and respondent, David George Korn, is hereby reinstated to the practice of law.

In re Report of the Commission	:	1993 TERM
on Continuing Legal Education.	:	
	:	To wit: July 20, 1993
Michael Howard Brown	:	
(#0002783),	:	ENTRY
Respondent.	:	

This matter originated in this court on the filing of a report by the Commission on Continuing Legal Education (the "commission") pursuant to Gov. Bar R. X(6)(A)(1)(b) and (A)(2)(d). The commission recommended the imposition of sanctions against certain attorneys, including the above-named respondent, for failure to comply with the provisions of Gov. Bar R. X, Attorney Continuing Legal Education, for the 1990-1991 reporting period.

On June 18, 1993, this court adopted the recommendation of the commission, imposed a sanction fee upon the respondent and suspended the respondent from the practice of law pursuant to Gov. Bar R. X(6)(B)(3), and Gov. Bar R. X (5)(A)(4). The court further ordered that respondent shall not be reinstated to the practice of law in Ohio until respondent complies with the requirements for reinstatement set forth in Gov. Bar R. X(7).

On July 7, 1993, the commission filed a recommendation pursuant to Gov. Bar R. X(7)(B)(2), finding that the respondent has paid all fees assessed for noncompliance, has made up all deficiencies and is now in full compliance with all requirements of Gov. Bar R. X, and recommending that the respondent be reinstated to the practice of law in Ohio. Upon consideration thereof,

IT IS ORDERED by the court that the recommendation of the commission is adopted and respondent, Michael Howard Brown, is hereby reinstated to the practice of law.