

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

1:00 P.M.

WEDNESDAY  
October 6, 1993

MERIT DOCKET

92-1724. Rodgers v. Capots.

Allen County. Appeal from the Court of Appeals for Allen County, No.  
CA92-07-0074. Judgment affirmed.

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

92-2255. State ex rel. Steffen v. Kraft.

Hamilton County. Appeal from the Court of Appeals for Hamilton  
County, No. C-920565. Judgment affirmed.

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

93-206. State ex rel. Jells v. Cleveland.

Cuyahoga County. Appeal from the Court of Appeals for Cuyahoga  
County, No. 62678. Judgment affirmed.

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

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

93-593. State ex rel. Nelson v. Tubbs Jones.

Cuyahoga County. Appeal from the Court of Appeals for Cuyahoga  
County, No. 64763. Judgment affirmed.

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

93-1035. Ohio Domestic Violence Network v. Pub. Util. Comm.  
Public Utilities Commission, Nos. 90-467-TP-ATA and 90-471-TP-ATA. 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

93-1332. State v. McGuinness.  
Greene County, No. 93-CA-7.  
Wright, J., dissents.

93-1351. State v. Koelling.  
Franklin County, No. 92AP-1519. On motion for leave to appeal.  
Motion denied.

Douglas and Pfeifer, JJ., dissent.  
On cross-motion for leave to appeal. Motion denied.  
Moyer, C.J., Douglas and Pfeifer, JJ., dissent.

93-1354. State v. Jackson.  
Cuyahoga County, No. 62013.

93-1356. State v. Watkins.  
Franklin County, No. 92AP-1546.

93-1377. State v. Weisheit.  
Cuyahoga County, No. 61821.  
Douglas, Wright and Pfeifer, JJ., dissent.

93-1379. State v. Smith.  
Cuyahoga County, No. 62427.

93-1383. State v. Jones.  
Cuyahoga County, No. 62415.  
Wright, J., dissents.

93-1387. Barber v. Brown.  
Scioto County, No. 93CA2119.  
Pfeifer, J., dissents.

93-1395. State v. Clifford.  
Franklin County, No. 92AP-1520.

93-1396. State v. Robinson.  
Franklin County, No. 92AP-1739.  
Resnick, J., not participating.

93-1397. State v. Dye.  
Crawford County, No. 3-92-47.

93-1408. Pheils v. Palmer.  
Lucas County, No. L-91-426.  
Pfeifer, J., dissents.

93-1409. Distrib. Transp. Serv., Inc. v. Akron-Medina Towing &

Recovery, Inc.  
Medina County, No. 2154.

93-1414. Gumpel v. Bost.  
Warren County, No. CA93-02-019.

93-1420. State v. Hill.  
Hamilton County, No. C-850686.

93-1450. State v. Darrington.  
Cuyahoga County, No. 62076.  
Resnick, J., dissents.

93-1468. David R. Pheils Jr. & Assoc. v. Capital Bank, N.A.  
Lucas County, No. L-92-313.  
Pfeifer, J., dissents.

93-1492. State v. Wegmiller.  
Summit County, No. 15776.  
Moyer, C.J., and Wright, J., dissent.

93-1507. State v. Weicht.  
Franklin County, No. 92AP-1776.

93-1524. State v. Fisher.  
Sandusky County, No. S-92-35.

#### MOTION DOCKET

92-2560. State ex rel. Gay v. Indus. Comm.  
Franklin County, No. 92AP-07. On request for oral argument. Request granted. On motion to strike. Motion denied.

93-310. Lake Hosp. Sys., Inc. v. Ohio Ins. Guar. Assn.  
Cuyahoga County, No. 63755. On motion for leave to file appellant's record instant. Motion granted.

93-451. State v. Carter.  
Montgomery County, No. 13628. On motion for leave to file amicus of Ohio Association of Criminal Defense Lawyers. Motion granted.

93-896. State ex rel. Lewis v. Fisher.  
In Mandamus. On request for findings of fact and conclusions of law. Request denied.

93-1644. Nicholas v. Wozniak.  
Summit County, No. 15504. On motion for leave to file notice of appeal instant. Motion granted.  
Moyer, C.J., Wright and F.E. Sweeney, JJ., dissent.

93-1795. United Church Homes v. Smith.  
Cuyahoga County, No. 65390. On motion for leave to withdraw as counsel. Motion granted.

93-1796. State v. Everson.  
Hamilton County, No. C-920577. On motion for leave to file delayed

appeal. Motion granted.

93-1810. Cuyahoga Falls v. Stobbs.  
Summit County, No. 16113. On motion for leave to file notice of  
appeal instant. Motion granted.

#### JURISDICTIONAL MOTIONS ALLOWED

93-1329. Dellenbach v. Robinson.  
Franklin County, No. 92AP-884. (Notices of appeal by Grant Medical  
Center and Raymond Robinson, M.D.)  
Resnick, F.E. Sweeney and Pfeifer, JJ., dissent.

93-1381. Shump v. First Continental-Robinwood Assoc.  
Montgomery County, No. 13173. On motion and cross-motion to certify  
the record and on motion for leave to file amicus of Ohio Academy of  
Trial Lawyers instant. Motions granted.  
Moyer, C.J., and Wright, J., dissent.

93-1393. Gutierrez v. Police & Fireman's Disability & Pension Fund of  
Ohio.  
Franklin County, No. 93AP-59.  
Moyer, C.J., dissents.

93-1399. Berger v. Port Clinton.  
Ottawa County, No. 92-OT-037. On motion to certify the record.  
Motion allowed.  
Moyer, C.J., Wright and F.E. Sweeney, JJ., dissent.  
On cross-motion to certify the record. Motion allowed.  
Moyer, C.J., and Wright, J., dissent.

93-1402. May v. Tandy Corp.  
Cuyahoga County, No. 62679.  
A.W. Sweeney and Wright, JJ., dissent.

93-1518. Nationwide Ins. Co. v. Corliss.  
Butler County, No. CA92-11-234. On motion to certify the record.  
Motion allowed; sua sponte, cause held for 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.

93-1588. Schulte v. Schulte.  
Wood County, No. 91WD075. On motion to consolidate with 93-1745,  
Schulte v. Schulte, Wood County, No. 91WD075. Motion granted and  
motion to certify allowed.  
A.W. Sweeney, J., dissents.  
Resnick, J., not participating.

#### JURISDICTIONAL MOTIONS OVERRULED

93-1337. Ford v. Mirto.  
Stark County, No. CA-9222. On motion and cross-motion to certify the  
record. Motions denied.  
Moyer, C.J., and Douglas, J., dissent.

93-1339. Priebe v. O'Malley.  
Medina County, No. 2143.

93-1345. Brady v. Himark Enterprises.  
Cuyahoga County, No. 64746.

93-1347. Grant v. Collier.  
Montgomery County, No. 13738.  
Moyer, C.J., and Pfeifer, J., dissent.

93-1348. Merrill v. Ward.  
Franklin County, No. 92AP-721. On motion to certify the record and on  
motion for leave to file amicus of Ohio Association of Life  
Underwriters. Motions denied.  
Wright, J., dissents.

93-1352. Collini v. Cincinnati Civ. Serv. Comm.  
Hamilton County, No. C-920120.  
Moyer, C.J., dissents.

93-1357. Williams v. Dunagan.  
Summit County, No. 15870.

93-1361. State v. Henderson.  
Lorain County, No. 92CA005434.

93-1366. Campbell v. Johnson.  
Montgomery County, No. 13486.  
Moyer, C.J., and Pfeifer, J., dissent.

93-1370. State v. Metheney.  
Medina County, No. 2158M.  
Moyer, C.J., Douglas and Resnick, JJ., dissent.

93-1375. Downard v. Indus. Comm.  
Franklin County, No. 93AP-101.  
Wright, J., dissents.

93-1390. Porada v. Garvin Group, Inc.  
Hamilton County, No. C-910268.  
Moyer, C.J., Wright and Resnick, JJ., dissent.

93-1394. State v. Pecora.  
Lorain County, No. 92CA005489.  
Moyer, C.J., dissents.

93-1404. Burson v. Ohio Bur. of Motor Vehicles.  
Cuyahoga County, No. 62305.  
Wright, J., dissents.

93-1407. State v. Carr.  
Shelby County, No. 17-92-21.  
Wright, J., dissents.

93-1410. State v. Arrington.  
Lorain County, No. 92CA005486.

93-1413. Kerns v. Kerns.  
Franklin County, No. 93AP-18.

93-1415. State v. Krause.  
Columbiana County, No. 92-C-25.  
Douglas and Resnick, JJ., dissent.

93-1423. O'Neal v. E.I. Dupont De Nemours & Co., Inc.  
Lucas County, No. L-92-111.  
Resnick, J., dissents.

93-1437. Wells v. Bowie.  
Richland County, Nos. 92-CA-90 and 92-CA-91.  
Wright, J., dissents.

93-1444. State v. Simmons.  
Butler County, No. CA92-03-049.  
Wright, J., dissents.

93-1473. Dayton v. Singleton.  
Montgomery County, Nos. 13447 and 13448.

93-1476. State v. Arden.  
Adams County, No. CA-543.  
Pfeifer, J., dissents.

93-1511. Hummer v. Zeller.  
Defiance County, No. 4-92-17.

#### REHEARING DOCKET

92-1400. In re Seltzer.  
Franklin County, No. 91AP-677. Reported at 67 Ohio St.3d 220,  
N.E.2d . On motion for rehearing. Rehearing denied.  
F.E. Sweeney, J., dissents.  
Pfeifer, J., not participating.

92-1514. Diamond Financial Holdings, Inc. v. Limbach.  
Board of Tax Appeals, No. 88-J-1150. Reported at 67 Ohio St.3d  
228, N.E.2d . On motion for rehearing. Rehearing denied.  
Wright, J., dissents.  
Resnick, J., not participating.

93-1098. State v. Gill.  
Franklin County, No. 92AP-945. Reported at 67 Ohio St.3d 1432,  
N.E.2d . On motion for rehearing. Rehearing granted and cause  
restored to active docket.  
A.W. Sweeney, J., dissents.

#### DISCIPLINARY DOCKET

92-2169. Disciplinary Counsel v. Stanford.  
On motion for leave to pay costs in two equal amounts. Motion granted.  
Moyer, C.J., dissents.

92-2537. Disciplinary Counsel v. Williams.  
On motion for extension of time to pay costs. Motion granted.  
Moyer, C.J., dissents.

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

1:00 P.M.

WEDNESDAY  
October 6, 1993

MISCELLANEOUS DISMISSALS

93-1879. Bartholic v. Am. Elec. Power Serv. Corp.  
Franklin County, No. 93AP-245. This cause is pending before the court on the filing of a motion for an order directing the Court of Appeals for Franklin County to certify its record. Upon consideration of appellants' application for dismissal,

IT IS ORDERED by the court that said application be, and the same is hereby, granted, effective October 5, 1993.