

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
November 17, 1993

MERIT DOCKET

92-1366. Dublin-Sawmill Properties v. Franklin Cty. Bd. of Revision.
Appeal from the Board of Tax Appeals, No. 89-M-497. Decision reversed
and cause remanded.

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

Pfeifer, J., concurs in judgment.

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

92-1503. Geauga Cty. Bd. of Commrs. v. Munn Road Sand & Gravel.
Gauga County. Appeal from the Court of Appeals for Geauga County,
No. 91-G-1650. Judgment affirmed.

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

92-2139. State v. Buell.
Cuyahoga County, No. 31875. Judgment affirmed.

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

92-2373. State v. Sowell.
Hamilton County, No. C-830835. Judgment affirmed.

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

92-2395. State v. Steffen.
Hamilton County, No. C-830445. Judgment affirmed.

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

and Pfeifer, JJ., concur.

93-160. State v. Shelton.

Delaware County, No. 91CA7. Judgment affirmed.

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

93-183. State v. Beuke.

Hamilton County, No. C-830829. Judgment affirmed.

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

93-324. State v. Myers.

Lorain County, No. 89CA004715. Judgment affirmed.

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

93-344. State v. Marcum.

Clermont County, No. CA89-10-089. Judgment affirmed and motion for delayed reconsideration denied.

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

93-534. State v. Greer.

Hamilton County, No. C-870333. Judgment affirmed.

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

93-1199. Reynoldsburg Trucking Co. v. Pub. Util. Comm.

Public Utilities Commission, No. 89-247-TR-ACE. On motions to dismiss and to establish briefing schedule. Motion to dismiss sustained; motion to establish briefing schedule denied. Cause dismissed.

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

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

93-1385. State ex rel. Ballard v. Holland.

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.

93-1428. Walton v. Wyandot Cty. Sheriff.

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.

93-1457. Walls v. Lewis Ctr.

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.

93-1721. Johnson v. Wilkinson.

In Mandamus. Sua sponte, cause dismissed.

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

F.E. Sweeney and Pfeifer, JJ., dissent and would grant an alternative writ for want of a proper answer.

93-1750. State ex rel. Thrower v. Sweeney.
In Prohibition. Sua sponte, cause dismissed.

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

93-1752. Lang v. Jackson.
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.

93-1791. Sheely v. Eleventh Dist. Court of Appeals for Portage Cty.
In Mandamus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

F.E. Sweeney, J., would deny the writ as moot.

93-1803. Quirke v. Mackey.
In Mandamus. Sua sponte, cause dismissed.

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

93-1842. Schilling v. Mancini.
In Mandamus. Sua sponte, cause dismissed.

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

93-1854. State ex rel. Morrow v. Moon.
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

93-1294. State v. Miller.
Stark County, No. CA-8951.

93-1314. Morris v. Malone College.
Stark County, No. CA-9184.
Pfeifer, J., dissents.

93-1380. State v. Johnson.
Cuyahoga County, Nos. 62297 and 62321.
Resnick, J., dissents.

93-1421. Tomlinson v. Karney.
Franklin County, No. 93AP-75.

93-1479. State v. Burkitt.
Clark County, No. CA-2936. On motion for leave to appeal and on

motion for leave to file memorandum in support instanter. Motions denied.

93-1487. State v. McCarter.
Cuyahoga County, No. 62346.

93-1530. J.A. Croson Co. v. Zanesville.
Muskingum County, No. CA-9245.
Moyer, C.J., Douglas and Wright, JJ., dissent.

93-1537. N. Toledo Arrow Club v. Ohio Liquor Control Comm.
Franklin County, No. 93AP-288.
Douglas, J., dissents.

93-1539. State v. Seevers.
Muskingum County, No. 9244.

93-1545. State v. Dunaway.
Cuyahoga County, No. 62683.

93-1550. State v. Rutledge.
Franklin County, No. 92AP-1401.
Douglas, J., dissents.

93-1563. Harshbarger v. Harshbarger.
Licking County, No. 92CA111.
Wright, J., dissents.

93-1584. State v. Ingol.
Summit County, No. 16025.
Wright, J., not participating.

93-1586. State v. Fisher.
Franklin County, No. 92AP-1697.

93-1590. State v. Dolfi.
Cuyahoga County, No. 60021.

93-1592. Yackshaw v. John Carroll Univ. Bd. of Trustees.
Cuyahoga County, No. 62289.
Douglas and Resnick, JJ., dissent.

93-1602. State v. Belcher.
Franklin County, No. 92AP-1719.
Douglas, J., dissents.

93-1613. State v. Holzman.
Cuyahoga County, No. 64354.
F.E. Sweeney, J., dissents.

93-1637. Jilek v. Jilek.
Lucas County, No. L-92-305.
Moyer, C.J., Wright and Pfeifer, JJ., dissent.

93-1648. State v. Ospina.
Franklin County, Nos. 91AP-1060 and 91AP-1061.

93-1655. State v. Conley.
Summit County, No. 16045.
Pfeifer, J., dissents.

93-1668. State v. McAdory.
Cuyahoga County, No. 62643.

93-1669. State v. Beasley.
Cuyahoga County, No. 62852.

93-1672. State v. Hedrick.
Cuyahoga County, No. 65651.

93-1679. State v. Ellington.
Clermont County, No. CA92-12-114.
Douglas and Resnick, JJ., dissent.

93-1680. State v. Smelcer.
Cuyahoga County, No. 62019.

93-1688. State v. Sowell.
Cuyahoga County, No. 62601.

93-1690. Jacks v. Jacks.
Licking County, No. 92CA136.

93-1695. State v. Madison.
Franklin County, No. 92AP-1461.
Douglas, J., dissents.

93-1705. State v. Lillie.
Summit County, No. 15359.

93-1711. State v. Collmar.
Franklin County, Nos. 92AP-1663, 92AP-1664 and 92AP-1665.
Wright, J., dissents.

93-1723. Hilton v. Tire Tread Dev., Inc.
Portage County, No. 92-P-0053.
Wright, J., dissents.

93-1727. State v. Dussell.
Cuyahoga County, No. 62457.

93-1735. Stiles v. Chrysler Motors Corp.
Lucas County, No. L-92-196.
Moyer, C.J., and Wright, J., dissent.

93-1751. State v. Eads.
Cuyahoga County, No. 62775.
Wright, J., would allow on Proposition of Law Nos. I and II only.
Douglas and F.E. Sweeney, JJ., would allow.

93-1755. State v. Creech.
Scioto County, No. 92CA2053.

93-1776. State v. Rudge.

Trumbull County, No. 93-T-4858.
Moyer, C.J., and Douglas, J., dissent.

93-1777. Freshour v. Radcliff.
Ross County, No. 1941.

JURISDICTIONAL MOTIONS ALLOWED

93-1411. Ohio Academy of Nursing Homes, Inc. v. Barry.
Franklin County, No. 92AP-1266.

93-1587. Associated Maintenance & Roofing Co., Inc. v. Rockwell
Internatl. Corp.
Hardin County, No. 6-92-13. On motion to certify the record. Motion
denied. On cross-motion to certify the record. Motion allowed.
Moyer, C.J., A.W. Sweeney and Wright, JJ., dissent.

93-1600. Caddell v. Ohio Bur. of Workers' Comp.
Franklin County, No. 92AP-1466. On motion to certify the record and
on motion for leave to file amicus of Ohio Academy of Trial Lawyers.
Motions granted.
Moyer, C.J., Wright and Pfeifer, JJ., dissent.

93-1749. Davenport v. M/I Schottenstein Homes, Inc.
Hamilton County, No. C-920142.
Moyer, C.J., and Pfeifer, J., dissent.
Wright, J., not participating.

93-1813. State ex rel. Filipiak v. Midview Local School Dist.
Lorain County, No. 92CA005502.
Moyer, C.J., Wright and Pfeifer, JJ., dissent.

JURISDICTIONAL MOTIONS OVERRULED

93-1313. In re Annexation of 257 Acres from Brimfield Twp., Portage
Cty.
Portage County, No. 92-P-0062.

93-1401. In re Musial.
Cuyahoga County, No. 64825.
Pfeifer, J., dissents.

*93-1424. Potts v. Delaware Cty. Mut. Ins. Co. of Sunbury, Ohio.
Logan County, No. 93028004.
Pfeifer, J., dissents.

93-1446. State v. Lampkins.
Franklin County, No. 92AP-1570.
Wright, J., dissents.

93-1483. State v. Franklin.
Cuyahoga County, No. 62487.
Moyer, C.J., and Wright, J., dissent.

93-1526. State v. Haley.

Greene County, Nos. 90CA79 and 90CA83.

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

93-1543. Sims v. Am. Income Life Ins. Co.

Montgomery County, No. CA 13543.

93-1560. Morris Bean & Co. v. Limbach.

Franklin County, Nos. 92AP-989 and 92AP-991.

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

93-1564. State v. Kennedy.

Lake County, No. 92-L-101.

Wright, J., dissents.

93-1573. State v. Stallings.

Cuyahoga County, No. 63147.

93-1576. Santantonio v. Santantonio.

Lorain County, No. 92CA005460.

93-1580. State ex rel. Charles Assoc., Inc. v. Joint Twp. Dist. Hosp.

Bd. for Wyandot Mem. Hosp.

Wyandot County, No. 16-92-28.

93-1591. Huth v. Shubert.

Stark County, No. CA-9062. On motions to certify the record and to

consolidate with or decide case upon authority of Smith v. Howard

Johnson Co., Inc. (1993), 67 Ohio St.3d 28, N.E.2d . Motions

denied.

Resnick, J., dissents.

93-1597. Osborne v. Song.

Scioto County, No. 2068.

Douglas, Resnick and Pfeifer, JJ., dissent.

93-1619. Moore v. Ohio Dept. of Rehab. & Corr.

Franklin County, No. 92AP-1533.

Pfeifer, J., dissents.

93-1653. James v. Mysyk.

Summit County, No. 15934.

Resnick, J., dissents.

93-1659. Clipson v. Schlessman.

Erie County, No. E-92-27.

Wright, J., dissents.

93-1662. Johnson v. United Lajero Co.

Tuscarawas County, No. 92AP090065.

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

93-1664. Grant v. Hudacsek.

Summit County, No. 16006.

93-1674. Brads v. First Baptist Church of Germantown, Ohio.

Montgomery County, No. 13653. On motion to certify the record.

Motion denied.

Moyer, C.J., dissents.
On cross-motion to certify the record. Motion denied.

93-1683. Safranic v. Belany.
Trumbull County, No. 92-T-4697. (Notice of appeal by John Belany,
D.O.; second Notice of Appeal by Warren General Hospital.)
Douglas and Wright, JJ., dissent.

93-1685. Bensley v. Trus Joist Corp.
Delaware County, No. 93CAE01006.
Douglas, J., dissents.

93-1694. Darulis v. Cuyahoga Falls.
Summit County, No. 15993.

93-1697. Natl. Church Residences of Worthington v. Timson.
Franklin County, No. 93AP-264 and 93AP-362.
Wright, J., not participating.

93-1699. Bazzoli v. Bazzoli.
Knox County, No. 92CA000013.
Douglas and F.E. Sweeney, JJ., dissent.

93-1702. Cooper v. SPS Technologies, Inc.
Cuyahoga County, No. 62956.

93-1718. State v. Banks.
Franklin County, No. 92AP-859.

93-1729. State v. Rose Chevrolet, Inc.
Butler County, No. CA91-12-0214.

93-1731. Khosla v. Magruder Mem. Hosp.
Ottawa County, No. 92-OT-053.
Resnick, J., not participating.

93-1734. Konrad v. Morant.
Geauga County, No. 92-G-1742.
Pfeifer, J., dissents.

93-1747. Popa v. Wayne Mut. Ins. Co.
Stark County, Nos. CA-9155 and CA-9159.
Douglas, Resnick and F.E. Sweeney, JJ., dissent.

93-1748. State v. Jolly.
Cuyahoga County, Nos. 62380 and 63212.

93-1757. Blake v. John Doe 1.
Franklin County, No. 92AP-1469.

93-1763. Hickey v. Hancock-Wood Elec. Coop., Inc.
Wood County, No. 92WD82.
Pfeifer, J., dissents.
Resnick, J., not participating.

93-1798. Herschman's Inc. v. Sachs-Dolman Div.
Wayne County, No. 2774.

Pfeifer, J., dissents.

MOTION DOCKET

86-1499. State v. Sowell.
Hamilton County, No. C-830835. On motion for delayed reinstatement of appeal. Motion denied.

Wright, J., dissents.

92-1350. State ex rel. Maurer v. Sheward.
Franklin County, No. 91AP-1442. On motion to consolidate with 93-1165, Wilkinson v. Voinovich, Franklin County, Nos. 92AP-674, 92AP-675, 92AP-677 and 92AP-678. Motion granted.

A.W. Sweeney, Wright and Resnick, JJ., would also grant twenty minutes per side.

92-2078. Citywide Coalition for Util. Reform v. Pub. Util. Comm. Public Utilities Commission, No. 91-410-EL-AIR. On motion for leave to file additional authorities. Motion denied.

Pfeifer, J., dissents.

Wright, J., not participating.

92-2101. Cincinnati v. Pub. Util. Comm. Public Utilities Commission, No. 91-410-EL-AIR. On motion for leave to file additional authorities. Motion denied.

Wright, J., not participating.

92-2565. State v. Scudder.
Franklin County, No. 91AP-506. On motions to supplement record. Motions denied. On request for extension of time. Request denied.

92-2628. State v. Johnson.
Summit County, No. 15065. On motion to remand. Motion denied. On request for extension of time. Request denied.

93-131. State ex rel. Russell v. Ehrnfelt.
Cuyahoga County, No. 64242. On motion to correct published record. Motion denied.

Pfeifer, J., dissents.

93-241. Brennaman v. R.M.I. Co.
Ashtabula County, Nos. 92-A-1689 and 92-A-1690. On motion for leave to file amicus of Ohio Association of Consulting Engineers et al. Motion granted.

93-278. Moskovitz v. Mt. Sinai Med. Ctr.
Cuyahoga County, Nos. 60464 and 61166. On motion for leave to amend appellee's brief. Motion granted.

93-294. Liddell v. SCA Serv. of Ohio, Inc.
Cuyahoga County, No. 61129. On motion for leave to file amicus of Ohio Association of Civil Trial Attorneys. Motion granted. On request for extension of time. Request granted.

93-326. State ex rel. Dispatch Printing Co. v. Lias.
Franklin County, No. 93AP-42. Sua sponte, this cause is set for oral

argument.

A.W. Sweeney, J., dissents.

93-519. Oakwood Club v. Cuyahoga Cty. Bd. of Revision.
Board of Tax Appeals, Nos. 90-M-1446, 90-M-1447, 90-M-1448 and
90-M-1449. On motion to strike. Motion denied.

F.E. Sweeney, J., dissents.

93-529. Ricciardi v. Babcock & Wilcox Co.
Summit County, No. 15728. On motion for leave to file amicus of
Phung. Motion granted.

Moyer, C.J., dissents.

Douglas, J., not participating.

93-640. Wright v. Bloom.
Summit County, No. 15665. On motion to dismiss or to consolidate with
93-735, Wright v. Bloom, Summit County, No. 15665. Motion to
consolidate granted; briefing is to be confined to the issue(s)
certified in 93-735.

93-646. Leber v. Smith.
Erie County, No. E-87-43. On motion for leave to exceed page limit.
Motion granted, but briefs are limited to seventy-five pages.

A.W. Sweeney and Douglas, JJ., would grant the motion.

Resnick, J., not participating.

On motion for extension of time. Motion granted.

Resnick, J., not participating.

93-740. Henderson v. Lincoln Natl. Specialty Ins. Co.
Certified Question of State Law, No. 393CV7036. On motion for leave
to file response to amicus brief. Motion granted.

93-936. Phung v. Waste Mgt., Inc.
Sandusky County, No. S-91-48. On motion to set briefing schedule.
Motion granted.

F.E. Sweeney, J., dissents.

Douglas and Resnick, JJ., not participating.

93-966. Petratos v. Markakis.
Cuyahoga County, No. 61377. On motion for leave to file amicus of
Ohio Academy of Trial Lawyers. Motion granted.

93-1000. Wilson v. Stark Cty. Dept. of Human Serv.
Stark County, No. CA-9079. On motion for leave to file amicus of
County Commissioners Association of Ohio. Motion granted.

93-1228. Campbell v. Ohio Dept. of Rehab. & Corr.
Franklin County, Nos. 92AP-1168 and 92AP-821. On motion to clarify
court order. Motion denied.

93-1541. Musisca v. Massillon Community Hosp.
Stark County, No. CA-9123. On motion to dismiss. Motion denied.
Wright, J., dissents.

93-1666. Nationwide Mut. Ins. Co. v. Jones.
Cuyahoga County, No. 62779. On motion to consolidate with 93-1882,
McCoy v. W. Reserve Mut. Lightning Rod Mut. Ins. Co., Montgomery

County, No. 13808. Motion denied.
Pfeifer, J., dissents.

93-1684. State v. McDonald.
Stark County, No. CA-9033. On motion to appoint counsel for
appellee. Sua sponte, this cause is remanded to the Court of Appeals
for appointment of counsel.

93-1689. In re Hays.
Hamilton County, No. C-920118. On motion for leave to file
appellant's brief instante. Motion granted.

93-1819. In re Reiner.
Cuyahoga County, No. 65292. On motions for leave to file memorandum
in support instante and to reconsider denial of extension. Motions
granted.
Moyer, C.J., Wright and Resnick, JJ., dissent.

93-1858. State v. Hamann.
Cuyahoga County, Nos. 62652 and 62689. On motion for leave to file
delayed appeal. Motion granted.
Moyer, C.J., A.W. Sweeney and Wright, JJ., dissent.

93-1869. Hatfield v. Hatfield.
Ross County, No. 1897. On motion for leave to exceed page limit.
Motion granted.
Wright, F.E. Sweeney and Pfeifer, JJ., dissent.

93-1924. State ex rel. Beason v. Ohio Dept. of Rehab. & Corr.
Franklin County, No. 93AP-674. On motion to partially remove seal.
Motion granted.

93-2015. In re Estate of LaJoie.
Lucas County, No. L-92-234. On motions to reconsider denial of
extension and to file instante. Motions denied.
Douglas and Pfeifer, JJ., dissent.

93-2023. State v. Costella.
Cuyahoga County, Nos. 61898, 61899, 61900 and 61901. On motion for
leave to file delayed appeal. Motion denied.
Douglas, Resnick and Pfeifer, JJ., dissent.

REHEARING DOCKET

93-111. Williams v. O'Brien.
Montgomery County, No. 12344. Reported at 66 Ohio St.3d 1501,
N.E.2d . On motion for rehearing. Rehearing granted and motion
to certify allowed. Sua sponte, cause held for decision in 92-2444,
Stinson v. England, Montgomery County, No. 13073; briefing schedule
stayed.
Wright, J., dissents.

93-673. State ex rel. Mancini v. Rogers.
In Habeas Corpus. Reported at 67 Ohio St.3d 1403, N.E.2d .
On motion for rehearing and request for findings of fact and
conclusions of law. Motion and request denied.

93-1067. Scimenes v. Cleveland.
Cuyahoga County, Nos. 61953 and 62407. Reported at 67 Ohio St.3d
1438, N.E.2d . On motion for rehearing. Rehearing denied.

93-1079. Bland v. Graves.
Summit County, No. 15586. Reported at 67 Ohio St.3d 1464,
N.E.2d . On motion for rehearing. Rehearing denied.
A.W. Sweeney, J., dissents.

93-1082. Cheney v. McFaul.
Cuyahoga County, No. 64395. Reported at 67 Ohio St.3d 1434,
N.E.2d . On motion for rehearing. Rehearing denied.

93-1136. Schweisberger v. State Med. Bd.
Franklin County, No. 92AP-1766. Reported at 67 Ohio St.3d 1467,
N.E.2d . On motion for rehearing. Rehearing denied.
Douglas, J., dissents.

93-1297. State ex rel. Russell v. Shaker Hts. Mun. Court.
Cuyahoga County, No. 64332. Reported at 67 Ohio St.3d 1464,
N.E.2d . On motion for rehearing. Rehearing denied.

93-1300. Gerijo, Inc. v. Fairfield.
Butler County, No. CA92-07-116. Reported at 67 Ohio St.3d 1467,
N.E.2d . On motion for rehearing. Rehearing denied.

93-1431. State v. Clinton.
Erie County, No. E-92-15. Reported at 67 Ohio St.3d 1463,
N.E.2d . On motion for rehearing. Rehearing denied.
Pfeifer, J., dissents.

93-1538. State ex rel. Hamilton v. Clinton Cty. Bd. of Elections.
In Mandamus. Reported at Ohio St.3d , N.E.2d . On
motion for rehearing. Rehearing denied.
Douglas and Pfeifer, JJ., dissent.

DISCIPLINARY DOCKET

93-869 and 93-1828. Cincinnati Bar Assn. v. Steffen.
On request of Albert J. Steffen for extension of time to pay board
costs. Request granted and six months allowed.
Pfeifer, J., would allow three months.
Moyer, C.J., dissents.

93-901. Cleveland Bar Assn. v. Young.
On motion of James C. Young for enlargement of time to pay restitution
and motion for enlargement of time to pay court costs in
installments. Motions granted and six months allowed; if costs are
not fully paid within six months, respondent shall be indefinitely
suspended from the practice of law until costs are paid.
Moyer, C.J., dissents.

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

WEDNESDAY

November 17, 1993

MOTION DOCKET

93-1135. State v. Barnett.
Seneca County, No. 13-92-3. On motion to release from custody.
Motion denied; sua sponte, cause remanded to trial court to set bond
pursuant to Crim.R. 46.

93-2004. State ex rel. Henderson v. Blake.
In Quo Warranto. On motion for stay. Motion granted.
Pfeifer, J., dissents.
On motion to expedite. Motion granted.

93-2119. State v. Gordon.
Franklin County, No. 89AP-279. On motion for stay or for extension of
time. Motion for stay denied; thirty-day extension of time granted.
Wright, F.E. Sweeney and Pfeifer, JJ., dissent.

93-2191. State v. Leshner.
Geauga County, No. 92-G-1681. On motion for stay. Motion denied.
F.E. Sweeney, J., dissents.

93-2253. Knighton v. Knighton.
Licking County, No. 93-CA-120. On motion for stay and on motion to
advance on docket. Motions granted.
Moyer, C.J., Wright and Pfeifer, JJ., dissent.

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

WEDNESDAY
November 17, 1993

MOTION DOCKET

93-2179. State v. Lundgren.

Lake County, Nos. 90-L-15-140 and 90-L-036. This cause is pending before the court as an appeal from the Court of Appeals for Lake County. Upon consideration of appellant's motion for stay of execution currently scheduled for December 1, 1993,

IT IS ORDERED by the court that the motion for stay be, and the same is hereby, granted, effective November 16, 1993.

93-2255. State ex rel. Monroe Cty. Bd. of Edn. v. Burkhart.

In Prohibition. This cause originated in this court on the filing of a complaint for a writ of prohibition. Upon consideration of relators' request for an alternative writ of prohibition,

IT IS ORDERED by the court that the request be, and hereby is, granted to the extent that respondent shall show cause on or before November 24, 1993, why a peremptory writ of prohibition should not be issued.

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

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

Douglas, J., dissenting. I respectfully dissent. This court should immediately grant a peremptory writ of prohibition on the basis that the trial court has no jurisdiction, pursuant to R.C. Chapter 4117, over the matter in question. In *Central Ohio Transit Auth. v. Transport Workers Union of America, Local 208* (1988), 37 Ohio St.3d 56, 524 N.E.2d 151, paragraph two of the syllabus, we said, "[u]nder R.C. 4117.16(A), the court of common pleas is without jurisdiction over a strike by public employees after the State Employment Relations Board has determined pursuant to that statute that the strike does not pose a clear and present danger to the public health or safety."

A.W. Sweeney and Resnick, JJ., concur in the foregoing dissenting opinion.