

ATTENTION

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

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

1:00 P.M.

C O R R E C T E D

WEDNESDAY

January 13, 1993

MERIT DOCKET

92-2007. State ex rel. Belcher v. Reece.

In Mandamus. On answer of respondent, motion for summary judgment,  
and motion for damages. 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.

92-2048. State ex rel. Trapp v. Blue Ash.

In Mandamus. On motion to dismiss or, alternatively, motion for  
summary judgment. Motion to dismiss sustained. Cause dismissed.

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

Resnick, J., not participating.

92-2216. State ex rel. Fuller v. Judges of Eighth Dist. Court of  
Appeals.

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., not participating.

92-2219. State ex rel. McMinn v. Baird.

In Prohibition. 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.

92-2221. State ex rel. Goney v. Fain.

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.

92-2266. State ex rel. Pugh v. Wilkinson.

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.

92-2289. Stinson v. B&C Carpet Co.

Geauga County, No. 91-G-1678. On motion for leave to file notice of  
appeal instant and on motion to dismiss. Motion for leave  
overruled; motion to dismiss granted and cause dismissed.

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

Douglas, J., dissents.

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

92-990. State v. Eberling.

Cuyahoga County, Nos. 58559 and 58560.

92-1308. Cleveland v. Willis.

Cuyahoga County, No. 63309.

92-1457. David v. Schwarzwald, Robiner, Wolf & Rock Co., L.P.A.

Cuyahoga County, No. 60559. On motion to certify the record. Motion  
denied.

Wright and Resnick, JJ., dissent.

Sua sponte, this cause is referred to the Office of Disciplinary  
Counsel for review.

Wright and Resnick, JJ., dissent.

92-1780. State v. Lewis.

Cuyahoga County, No. 59465.

92-1803. State v. Hendricks.

Richland County, No. CA-2906.

92-1813. State v. Fields.

Wayne County, No. 2700.

92-1827. PK Lumber Co. v. Thompson.

Clark County, No. 2884.

92-1852. Knafel v. Pepsi Cola Bottlers of Akron, Inc.

Summit County, No. 15754.

92-1906. State v. Connor.

Lorain County, No. 91CA005234.

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

92-1920. State v. Anderson.

Sandusky County, No. S-91-26.

92-1927. State v. Carpenter.  
Pike County, No. 92CA488.

92-1944. State v. Hurst.  
Clermont County, No. CA91-08-064.  
Pfeifer, J., dissents.

92-1974. State v. Powell.  
Van Wert County, No. 15-91-14.  
Moyer, C.J., and Resnick, J., dissent.

92-1991. Engelman v. Burcholzer.  
Licking County, No. CA-3768.

92-1992. Cooper v. Ohio Dept. of Natural Resources, Div. of Parks &  
Recreation.  
Licking County, No. CA-3769.

92-1999. State v. Jackson.  
Hamilton County, No. C-910298.

92-2008. Hunter v. Hunter.  
Madison County, Nos. CA91-10-031 and CA91-11-034.  
Douglas and Wright, J., dissent.

92-2009. State v. Thorstenson.  
Guernsey County, No. 92-CA-05.  
Wright, J., dissents.

92-2012. State v. Cannon.  
Cuyahoga County, No. 50664.  
Wright, J., dissents.

92-2015. State v. Gough.  
Licking County, No. 92-CA-34.

92-2025. State v. Meadows.  
Washington County, No. 91-CA-29.

92-2030. State v. Watford.  
Cuyahoga County, No. 60902.  
F.E. Sweeney, J., not participating.

92-2033. McShane, Breitfeller & Witten v. Blinn.  
Franklin County, No. 92AP-86.

92-2045. Bigler v. Ohio Valley Coal Co.  
Cuyahoga County, No. 60848. On motion to certify the record and on  
motion for leave to file amicus of Ohio Mining and Reclamation  
Association. Motions denied.  
Moyer, C.J., Douglas and Resnick, JJ., dissent.

92-2046. State v. Holloman.  
Cuyahoga County, No. 59231.

92-2051. McMaster v. Akron Hous. Appeals Bd.  
Summit County, No. 15462.

92-2052. State v. Pittman.  
Cuyahoga County, No. 61319.  
Douglas and Resnick, JJ., dissent.

92-2062. State v. Adams.  
Cuyahoga County, No. 61814.

92-2069. State v. Blassengale.  
Cuyahoga County, No. 61329.

92-2071. Good Samaritan Hosp. & Health Ctr. v. Wright State Univ.  
Franklin County, No. 92AP-629.  
Wright, Resnick and Pfeifer, JJ., dissent.

92-2077. State v. Showalter.  
Lorain County, No. 91CA005215.

92-2079. State v. Hill.  
Washington County, No. 91-CA-14.

92-2083. State v. Skeens.  
Franklin County, No. 92AP-291.

92-2084. State v. Galiher.  
Licking County, No. CA-3750.

92-2085. Frederick A. Schmidt Realtors, Div. of Brendamour Group v.  
Mastruserio.  
Hamilton County, No. C-910413.

92-2090. State v. Phillips.  
Montgomery County, No. CA 11148.

92-2094. Stuckey v. Bd. of Trustees of Lawrence Twp., Stark Cty.,  
Ohio.  
Stark County, No. CA-8806.  
Moyer, C.J., and Wright, J., dissent.

92-2095. State v. Johnson.  
Franklin County, No. 92AP-338.

92-2096. State v. Spencer.  
Stark County, No. CA-8841.

92-2098. In re Dismissal of Osborn.  
Ashland County, No. CA-1009.  
Douglas, J., dissents.

92-2099. Lawrence v. Rein.  
Trumbull County, No. 92-T-4528.

92-2107. State v. Garren.  
Licking County, No. 92-CA-82.

92-2153. State v. Sheets.  
Licking County, No. 92-CA-17.

92-2154. State v. McEntire.  
Hamilton County, No. C-910415.

92-2172. State v. Rohrbaugh.  
Noble County, No. 91-CA-213.  
Moyer, C.J., and F.E. Sweeney, J., dissent.

92-2183. Tarcai v. Kovach.  
Stark County, No. CA-8956.

92-2184. State v. Simons.  
Champaign County, No. 92-CA-16.

92-2191. State v. Fluker.  
Lorain County, No. 92CA005432.

#### MOTION DOCKET

91-1760 and 91-2247. State ex rel. Donaldson v. Alfred.  
In Mandamus. On request for oral argument. Request granted.

92-105. Arnold v. Cleveland.  
Cuyahoga County, No. 59260. On motion for leave to file amicus of  
Hangun Control Federation of Ohio, Inc. et al. Motion granted.

92-863. Greene v. Univ. Hosp. of Cleveland.  
Cuyahoga County, No. 59899. On motion for leave to amend memorandum  
in opposition, and in support of cross-appeal. Motion granted.

92-901. State ex rel. Kuczak v. Saffold.  
In Mandamus. On motion to dismiss. Motion overruled and alternative  
writ granted.  
Resnick, J., would deny the writ.

92-1035. Hughes v. State.  
Franklin County, Nos. 91AP-1167 and 91AP-1168. On motion for leave to  
file amicus of Ohio Public Defender. Motion granted.

92-1199. MCI Telecommunications Corp. v. Limbach.  
Board of Tax Appeals, No. 88-G-1137. On motion for leave to exceed  
page limit. Motion granted.  
Moyer, C.J., Wright and F.E. Sweeney, JJ., dissent.  
On motion for leave to file amicus of North Royalton. Motion  
granted.

92-1238. Lincoln Elec. Co. v. Limbach.  
Board of Tax Appeals, No. 88-E-651. On request for oral argument  
before full court. Request granted.

92-1244. In re Miamisburg Train Derailment Litigation.  
Montgomery County, No. 12590. On motion for leave to proceed pro hac  
vice. Motion granted.

92-1453. CCH Computax, Inc. v. Limbach.  
Board of Tax Appeals, No. 88-D-566. On request for oral argument  
before full court. Request denied.

92-2014. State v. Marcum.  
Butler County, Nos. CA91-05-0081 and CA91-04-0068. On motion to  
clarify court order. Motion denied.

92-2161. Disciplinary Counsel v. Columbro.  
On motion for leave to withdraw as counsel. Motion granted and  
extension granted to appoint new counsel.

92-2179. State ex rel. Manson v. Morris.  
In Mandamus. On motion for leave to file answer instanter and on  
answer of respondent. Sua sponte, alternative writ granted.  
Wright and Resnick, JJ., would dismiss the cause.

92-2312. State v. Chester.  
Cuyahoga County, No. 59008. On motion for leave to file delayed  
appeal. Motion denied.  
Moyer, C.J., A.W. Sweeney and Douglas, JJ., dissent.

92-2326. Ohio Council 8, AFSCME, AFL-CIO v. Summit Cty. Child Support  
Enforcement Agency.  
Franklin County, No. 92AP-304. On motions for leave to file notice of  
cross-appeal and memorandum in support of cross-appeal instanter.  
Motions granted.

92-2341. State v. Davenport.  
Richland County, No. CA-2851. On motion for leave to exceed page  
limit. Motion denied.  
Douglas, J., dissents.

92-2352. State v. Evers.  
Clermont County, No. CA92-02-023. On motion for leave to file delayed  
appeal. Motion denied.  
Moyer, C.J., Douglas and Resnick, JJ., dissent.

92-2370. Broz v. Winland.  
Lake County, No. 91-L-173. On motion for leave to file amicus of  
Dominick, Admr. Motion granted.

92-2396. Sanders v. Cincinnati Ins. Co.  
Montgomery County, No. CA 13300. On motion to consolidate with 92-34  
and 92-277, Hower v. Motorists Mut. Ins. Co. (1992), Ohio  
St.3d , N.E.2d . Motion denied; extension of time  
granted.  
Resnick and F.E. Sweeney, JJ., dissent.

92-2400. State v. Lentz.  
Trumbull County, No. 91-T-4622. On motion for leave to file  
certification of conflict order instanter. Motion granted.

92-2407. State v. Riley.  
Hamilton County, No. C-900838. On motion for leave to file delayed  
appeal. Motion denied.

Moyer, C.J., dissents.

92-2425. State v. Jones.  
Cuyahoga County, No. 59825. On motion for leave to file delayed  
appeal. Motion granted.

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

92-2442. State v. Mayle.  
Franklin County, No. 92AP-403. On motion for leave to file delayed  
appeal. Motion granted.

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

92-2444. Stinson v. England.  
Montgomery County, No. 13073. On motion for leave to exceed page  
limit. Motion granted.

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

#### JURISDICTIONAL MOTIONS ALLOWED

92-1734. Mezerkor v. Mezerkor.  
Geauga County, No. 90-G-1560.  
F.E. Sweeney, J., dissents.

92-1755. Saenz v. Indus. Comm.  
Lucas County, No. L-91-251.  
F.E. Sweeney and Pfeifer, JJ., dissent.

92-1763. Mezerkor v. Mezerkor.  
Geauga County, No. 90-G-1560.  
Douglas, J., would also consolidate this cause with 92-1734,  
supra.  
Resnick and F.E. Sweeney, JJ., dissent.

92-1916. State v. Sumlin.  
Cuyahoga County, No. 60596.  
A.W. Sweeney and Wright, JJ., dissent.

92-1947. Dunbar v. Grebler.  
Butler County, No. CA91-12-0209.  
A.W. Sweeney, Wright and Resnick, JJ., dissent.

92-2018. Streetsboro Edn. Assn. v. Streetsboro City School Dist. Bd.  
of Edn.  
Portage County, No. 91-P-2327.  
A.W. Sweeney, Resnick and Pfeifer, JJ., dissent.

92-2043. Naylor v. Cardinal School Dist. Bd. of Edn.  
Geauga County, No. 91-G-1629.  
Moyer, C.J., Wright and Pfeifer, JJ., dissent.

92-2082. Maxwell v. Tallmadge City School Dist. Bd. of Edn.  
Summit County, No. 15393.  
Moyer, C.J., and Wright, J., dissent.  
Resnick, J., not participating.

92-2117. Fletcher v. Fletcher.  
Montgomery County, No. CA 12942.  
Moyer, C.J., A.W. Sweeney and F.E. Sweeney, JJ., dissent.

JURISDICTIONAL MOTIONS OVERRULED

92-1685. Ameicua v. Zamarelli.  
Trumbull County, No. 90-T-4515.  
Douglas, J., dissents.

92-1701. State v. Jones.  
Stark County, No. CA-8525.

92-1765. State v. Bayer.  
Medina County, No. 2073.  
Pfeifer, J., dissents.

92-1783. Simon v. Designers Prod., Inc.  
Cuyahoga County, No. 63004.

92-1830. Middletown v. Butler Cty. Bd. of Commrs.  
Butler County, No. CA91-03-049. On motion and cross-motion to certify  
the record. Motions denied.  
Pfeifer, J., dissents.

92-1900. Sutton v. Willis.  
Hamilton County, No. C-910675.

92-1983. Piscione v. Piscione.  
Lorain County, No. 91CA005235.

92-2010. State v. Busch.  
Warren County, No. CA92-01-002.  
Resnick, J., dissents.

92-2011. Conley v. Bur. of Workers' Comp.  
Lawrence County, No. 91-CA-17.

92-2038. State v. Daniels.  
Lorain County, No. 92CA005285.

92-2044. State ex rel. Van Meter v. Lawrence Cty. Bd. of Commrs.  
Lawrence County, No. 91-CA-25.

92-2053. Hillen v. Dr. Herbert A. Asch, D.D.S., Inc.  
Hamilton County, No. C-910848.  
Wright, J., dissents.

92-2055. Sferra v. Shonce.  
Mahoning County, Nos. 90 C.A. 51 and 90 C.A. 113.  
Moyer, C.J., Wright and Pfeifer, JJ., dissent.

92-2056. State v. Washington.  
Hamilton County, No. C-910671.



92-2060. State ex rel. O'Brien v. Viereck.  
Franklin County, No. 92AP-46.

92-2063. Livingston v. McKie.  
Butler County, No. CA92-01-011.

92-2064. Greene v. Barrett.  
Cuyahoga County, No. 63788.

92-2073. Nelson v. Taoka.  
Lucas County, No. L-91-114.  
Resnick, J., not participating.

92-2088. Oliver-Coogler v. Toledo Edison Co.  
Lucas County, No. L-91-373.  
Resnick, J., not participating.

92-2092. Teague v. Castro.  
Lucas County, No. L-91-276.  
Douglas, J., would allow on Proposition of Law No. II only.

92-2116. Athens Cty. Property Owners. Assn., Inc. v. Athens.  
Athens County, No. 1482.

92-2128. Cox v. McLima Mgt., Inc.  
Allen County, No. CA92-04-0044.

92-2155. State v. Mongold.  
Fayette County, No. CA-92.

92-2160. Lambert v. Benz.  
Hamilton County, No. C-910752.

92-2189. Dorsey v. Morris.  
Summit County, No. 15538.