

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

9:00 A.M.

WEDNESDAY
January 20, 1993

MERIT DOCKET

92-995. State ex rel. Gampfer v. Wilkinson.
Franklin County, No. 91AP-809. On request for oral argument. Request
denied and cause dismissed as moot.

Moyer, C.J., A.W. Sweeney, Douglas and Wright, JJ., concur.
Resnick and F.E. Sweeney, JJ., would deny the request.
Pfeifer, J., would grant the request.

92-1984. Jackson v. Tenth Dist. Court of Appeals.
In Mandamus. On motion to reconsider denial of summary judgment. Sua
sponte, cause dismissed as moot.

Moyer, C.J., A.W. Sweeney, Douglas, Wright and Resnick, JJ.,
concur.
Pfeifer, J., dissents.
F.E. Sweeney, J., not participating.

92-2214. State ex rel. D'Ambrosio v. Higgins.
In Mandamus. On answer of respondent and request for dismissal.
Request for dismissal sustained. Cause dismissed.

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

92-2340. State ex rel. Scales v. First App. 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, F.E. Sweeney
and Pfeifer, JJ., concur.

92-2385. Fasbender v. Deters.
In Prohibition. 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.

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

92-1853. State v. Woodruff.

Clark County, No. 2874.

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

92-1862. State v. Jones.

Cuyahoga County, No. 60106.

92-1880. State v. Normand.

Guernsey County, No. 91-CA-02.

92-1952. Fluent v. Walker.

Trumbull County, No. 92-T-4663.

92-1996. State v. White.

Clark County, No. 2625.

92-2005. State v. Thornton.

Cuyahoga County, No. 59619.

92-2016. State v. Bernard.

Cuyahoga County, No. 59452.

92-2042. State v. Angelo.

Cuyahoga County, Nos. 61141 and 61049.

92-2111. Graham v. Triway Bd. of Edn.

Wayne County, No. 2716.

Douglas and Resnick, JJ., dissent.

92-2126. State v. Walker.

Cuyahoga County, No. 61020.

92-2129. State v. Moore.

Franklin County, No. 92AP-443.

92-2141. In re Pack.

Summit County, No. 15469.

92-2142. State v. Burge.

Franklin County, Nos. 91AP-946 and 91AP-1143.

92-2151. Kauffman v. Kauffman.

Franklin County, No. 92AP-28.

Wright and Pfeifer, JJ., dissent.

92-2156. J.C. Penney Properties, Inc. v. Franklin Cty. Bd. of Revision.

Franklin County, Nos. 91AP-872, 91AP-873 and 91AP-874.

Moyer, C.J., would allow on Propositions of Law Nos. I and II only.

92-2159. Dougherty v. Colonial Ins. Co. of California.
Stark County, No. CA-8753.

Wright, J., not participating.

92-2174. State v. Porter.
Summit County, No. 15098.

92-2188. Castrataro v. Lyndhurst.
Cuyahoga County, No. 60901.
F.E. Sweeney, J., not participating.

92-2193. State v. Gates.
Cuyahoga County, No. 61844.

92-2195. State v. Smith.
Cuyahoga County, No. 60948.
Wright and Pfeifer, JJ., dissent.

92-2197. Holiday Homes, Inc. v. Miami Twp. Bd. of Trustees.
Clermont County, No. CA91-09-068.

92-2199. State v. Halczyzak.
Cuyahoga County, Nos. 56715 and 56716.
Wright, J., dissents.

92-2202. Uebelacker v. Cincom Systems, Inc.
Hamilton County, Nos. C-910258 and C-910364.
Pfeifer, J., dissents.
Resnick, J., not participating.

92-2220. State v. Smith.
Cuyahoga County, No. 61091.

92-2228. State v. Martinez.
Washington County, No. 91-CA-1.

92-2268. May v. Ohio Dept. of Highway Safety, Bur. of Motor Vehicles.
Hamilton County, No. C-910725.

92-2280. State v. Brocks.
Hamilton County, No. C-910810.
Moyer, C.J., Wright and Pfeifer, JJ., dissent.

MOTION DOCKET

92-30. Belvedere Condominium Owners Assn. v. R.E. Roark Cos., Inc.
Hamilton County, No. C-900581. On motion for leave to file amicus of
Ohio Attorney General. Motion granted.
Pfeifer, J., dissents.

92-105. Arnold v. Cleveland.
Cuyahoga County, No. 59260. On motions for leave to file amicus of

the state of Ohio, Ohio Constitution Defense Council, Fraternal Order of Police of Ohio, Inc. and League of Ohio Sportsmen et al. Motions granted.

92-786. Rixey v. Nationwide Mut. Ins. Co.
Lucas County, No. L-91-064. On motion to file reply brief of appellee. Motion granted.

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

Resnick, J., not participating.

92-1004. State v. Henderson.
Cuyahoga County, No. 58560.

On motion to strike appellant's brief. Motion denied.

92-1400. In re Seltzer.
Franklin County, No. 91AP-677. On motion to strike appellant's brief. Motion granted.

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

92-1479. Tri-County Distrib., Inc. v. Canandaigua Wine Co.
Mahoning County, No. 92 C.A. 37. On motion for leave to file amicus of Wholesale Beer and Wine Association. Motion granted.

92-1503. Geauga Cty. Bd. of Commrs. v. Munn Rd. Sand & Gravel.
Gauga County, No. 91-G-1650. On motion for leave to file amicus of County Commissioners' Association of Ohio. Motion granted.

92-1747. State v. Lentz.
Trumbull County, No. 91-T-4622. On motion to dismiss. Motion denied.

Moyer, C.J., Wright and F.E. Sweeney, JJ., dissent.

92-2369. State v. Vallejo.
Wood County, No. 92-WD-071. On motion for leave to file supplemental appendix instanter. Motion granted.

92-2410. Blaschak v. Union Savings Bank & Trust Co.
Jefferson County, No. 91-J-7. On motion to dismiss. Motion denied.

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

92-2460. State v. Fort.
Cuyahoga County, No. 56922. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

92-2486. State v. Blackshear.
Wood County, No. WD-87-80. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

92-2487. State v. Cunningham.
Seneca County, No. 13-92-5. On motion for leave to file delayed appeal. Motion denied.

Douglas and Pfeifer, JJ., dissent.

92-2513. State v. Ridenbaugh.
Licking County, 92-CA-51. On motion to consolidate with 92-2514, State v. Ridenbaugh, Licking County, No. 92-CA-48. Motion granted.

92-2518. State v. Agee.
Cuyahoga County, No. 59984. On motion for leave to file delayed
appeal. Motion granted.

F.E. Sweeney, J., dissents.

92-2522. DeVito v. Acceleration Life Ins. Co.
Licking County, No. 92-CA-60. On motion for leave to withdraw as
counsel and on request for extension of time. Motion and request
granted. A thirty-day extension is allowed.

92-2533. State v. Hitt.
Summit County, No. 15414. On motion for leave to file delayed
appeal. Motion granted.

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

92-2551. Kindness v. Ohio Bd. of Dietetics.
Franklin County, No. 92AP-682. On motion to consolidate with 92-2550,
Strandwitz v. Ohio Bd. of Dietetics, Franklin County, No. 92AP-681.
Motion granted.

92-2553. Gem Savings Assn. v. Fitzpatrick Realty Co.
Montgomery County, No. 12719. On motion for leave to file notice of
appeal instant. Motion granted.

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

On motion for leave to exceed page limit. Motion denied.

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

92-2621. State v. Jones.
Cuyahoga County, No. 59826. On motion for leave to file delayed
appeal. Motion granted.

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

JURISDICTIONAL MOTIONS ALLOWED

92-1030. Franks v. Sandusky Twp. Bd. of Trustees.
Sandusky County, No. S-91-18. (Notice of appeal by Lisa M. Franks,
Admr.; second notice of appeal by Rhonda L. Lopez; cross-appeal by
Sandusky Township Board of Trustees; and cross-appeal by Sandusky
County Board of Commissioners et al.)

Wright and Pfeifer, JJ., dissent.

Resnick, J., not participating.

92-2122. State v. Bailey.
Lake County, No. 91-L-021.

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

92-2194. Clark v. Southview Hosp. & Family Health Ctr.
Montgomery County, Nos. 12845 and 13060.

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

92-2203. Local 330, Akron Firefighters Assn. (AFL-CIO) v. Romanoski.
Summit County, No. 15514.

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

JURISDICTIONAL MOTIONS OVERRULED

92-1760. Leslie v. Kroger Co.
Clark County, Nos. 2824 and 2899.

92-1939. State v. Brown.
Lucas County, No. L-92-145.
Resnick, J., not participating.

92-2066. Polofka v. Cutcher.
Lucas County, No. L-91-329.

92-2068. Greene v. Brighton Hotel Corp.
Cuyahoga County, No. 60838.
Douglas and Pfeifer, JJ., dissent.

92-2105. Hurst v. Cavanaugh.
Jefferson County, No. 90-J-7. On motion and cross-motion to certify
the record. Motions denied.
Moyer, C.J., and Douglas, J., dissent.

92-2114. Staehle v. Staehle.
Franklin County, No. 91AP-1523.

92-2119. Johnson v. Johnson.
Crawford County, No. 3-91-50.
Pfeifer, J., not participating.

92-2123. State v. Swinehart.
Ashland County, No. CA-999.
Douglas, J., dissents.

92-2124. State v. Swinehart.
Ashland County, Nos. CA-999 and CA-1000.
Douglas, J., dissents.

92-2125. Manholt v. Maplewood Joint Vocational School Dist. Bd. of
Edn.
Portage County, No. 91-P-2410.
A.W. Sweeney, Douglas and Resnick, JJ., dissent.

92-2134. Branhan v. K-Mart Corp.
Hamilton County, No. C-910867.

92-2137. State v. Fish.
Summit County, No. 15506.

92-2146. Grim v. Schottenstein, Zox & Dunn Co., L.P.A.
Franklin County, No. 91AP-1440.
Wright, J., dissents.
Moyer, C.J., not participating.

92-2150. Howard v. Walter.
Cuyahoga County, Nos. 61514, 61527, 61528 and 61529. (Notice of
appeal by Governor George Voinovich; second notice of appeal by

Josephine E. Hayes; third notice of appeal by Upper Arlington City School District; fourth notice of appeal by Ted W. Sanders, State Board of Education.)

Wright, J., dissents.

Resnick and F.E. Sweeney, JJ., not participating.

92-2157. State v. Brown.
Medina County, No. 2091M.

92-2168. Dayton v. Williams.
Montgomery County, No. 13288.
Resnick, J., dissents.

92-2173. Moore v. McClain.
Warren County, No. CA91-11-088.

92-2175. Carey v. Toys R Us.
Summit County, No. 15380.
Resnick, J., dissents.

92-2186. Williams v. Cap Gemini Am., Inc.
Cuyahoga County, No. 62953.
Douglas and Pfeifer, JJ., dissent.
F.E. Sweeney, J., not participating.

92-2187. State v. Williams.
Montgomery County, No. 13156.

92-2198. In re Adoption of Lauck.
Summit County, No. 15493.

92-2209. State v. Vanderkooi.
Crawford County, No. 3-92-12.

92-2224. White v. John Hancock Mut. Life Ins. Co.
Warren County, No. CA92-01-006.

92-2229. Semones v. Turner.
Logan County, No. 8-92-24.

92-2231. Manogg v. Spangler.
Licking County. No. 92-CA-29.

92-2282. DeVault v. DeVault.
Franklin County, No. 91AP-1089.
Wright and Pfeifer, JJ., dissent.

REHEARING DOCKET

92-1833. Estate of Oldham v. State Farm Auto. Ins. Co.
Lucas County, No. L-91-353. Reported at 65 Ohio St.3d 1478,
N.E.2d . On motion for rehearing. Rehearing denied.
Douglas, J., dissents.
Resnick and F.E. Sweeney, JJ., not participating.

92-2070. May v. Ohio Dept. of Highway Safety, Bur. of Motor Vehicles.
Hamilton County, No. C-910725. Reported at 65 Ohio St.3d 1476,
N.E.2d . On motion for rehearing. Rehearing denied.
F.E. Sweeney, J., not participating.