

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

TUESDAY  
December 27, 1994

MERIT DOCKET

93-936. Phung v. Waste Mgt., Inc.

Sandusky County. Appeal from the Court of Appeals for Sandusky  
County, No. S-91-48. Judgment affirmed and cause remanded.

Moyer, C.J., A.W. Sweeney, Whiteside, Shannon, Farmer, F.E.  
Sweeney and Pfeifer, JJ., concur.

Alba L. Whiteside, J., of the Tenth Appellate District, sitting  
for Douglas, J.

Raymond E. Shannon, J., of the First Appellate District,  
sitting for Wright, J.

Sheila G. Farmer, J., of the Fifth Appellate District, sitting  
for Resnick, J.

93-1381. Shump v. First Continental-Robinwood Assoc.

Montgomery County. Appeal and Cross-Appeal from the Court of  
Appeals for Montgomery County, No. 13173. Judgment affirmed.

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

Douglas, Resnick and F.E. Sweeney, JJ., concur in the syllabus  
and judgment only.

93-1399. Berger v. Port Clinton.

Ottawa County. Appeal from the Court of Appeals for Ottawa County,  
No. 92-OT-037. Sua sponte, cause dismissed as having been  
improvidently allowed.

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

Moyer, C.J., dissents.

93-1971. Rick Case Motors, Inc. v. Tracy.  
Appeal from the Board of Tax Appeals, No. 91-X-321. Decision affirmed.

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

93-2447. Herb Soc. of Am., Inc. v. Tracy.  
Appeal from the Board of Tax Appeals, No. 91-A-1761. Decision reversed and cause remanded.

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

Douglas, J., dissents.

93-2570. Highland Park Owners, Inc. v. Tracy.  
Appeal from the Board of Tax Appeals, No. 91-A-1405. Decision affirmed.

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

94-2302. Disciplinary Counsel v. Papalardo.  
On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 93-65. Sylvester Ron Papalardo is publicly reprimanded.

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

#### SUPREME COURT OF OHIO

#### COLUMBUS

#### ANNOUNCEMENT

TUESDAY  
December 27, 1994

#### MISCELLANEOUS DISMISSALS

94-2143. State ex rel. Burket v. Indus. Comm.  
Franklin County, No. 93APD10-1367. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. On November 30, 1994, a joint stipulation for extension of time for filing appellant's brief was filed giving appellant until December

20, 1994, to file a merit brief. It appears from the records of this court that appellant has not filed a merit brief in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte.

94-2291. State v. Hamilton.

Clark County, No. 2882. This cause is pending before the court as an appeal from the Court of Appeals for Clark County. Appellant's brief or notice of adoption of memorandum in support of jurisdiction as merit brief was due November 28, 1994. It appears from the records of this court that appellant has not filed a merit brief or notice of adoption in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte.

94-2323. State ex rel. Hill v. Crush.

Hamilton County, No. C-940639. This cause is pending before the court as an appeal from the Court of Appeals for Hamilton County. Appellant's merit brief was due December 19, 1994. It appears from the records of this court that appellant has not filed a merit brief in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte.