

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

9:00 A.M.

WEDNESDAY  
March 29, 1995

MERIT DOCKET

93-265. State v. Waddell.  
Hocking County. Certified by the Court of Appeals for Hocking  
County, No. 91 CA 16. Judgment reversed and conviction reinstated.  
Moyer, C.J., Douglas, Wright, Resnick, F.E. Sweeney, Pfeifer  
and Cook, JJ., concur.

93-942. Nationwide Ins. Co. v. Estate of Kollstedt.  
Butler County. Certified by the Court of Appeals for Butler County,  
No. CA92-06-101. Judgment affirmed.  
Moyer, C.J., Douglas, Wright, Resnick, F.E. Sweeney and  
Pfeifer, JJ., concur.  
Cook, J., concurs in the syllabus and judgment only.

93-1593. State ex rel. Dorkoff v. Trimble.  
Franklin County. Appeal from the Court of Appeals for Franklin  
County, No. 92AP-902. Judgment reversed.  
Moyer, C.J., Douglas, Wright, Resnick, F.E. Sweeney, Pfeifer  
and Cook, JJ., concur.

93-2151. State ex rel. Williams v. Colasurd.  
Franklin County. Appeal from the Court of Appeals for Franklin  
County, No. 92AP-308. Judgment affirmed.  
Moyer, C.J., Wright, Pfeifer and Cook, JJ., concur.  
Douglas, Resnick and F.E. Sweeney, JJ., dissent.

94-82. Galion v. Am. Fedn. of State, Cty. & Mun. Emp., Ohio Council 8, AFL-CIO, Local No. 2243.

Crawford County. Certified by the Court of Appeals for Crawford County, No. 3-93-9. Judgment affirmed.

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

94-275. State ex rel. Brenders v. Hall.

In Quo Warranto. Writ denied.

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

Moyer, C.J., and Cook, J., concur in part and dissent in part.

94-2303. Disciplinary Counsel v. McDonald.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 94-49. Michael J. McDonald is permanently disbarred from the practice of law in the state of Ohio.

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

## SUPREME COURT OF OHIO

### COLUMBUS

#### ANNOUNCEMENT

9:00 A.M.

WEDNESDAY

March 29, 1995

#### MERIT DOCKET

95-273. State ex rel. Dehler v. Eighth Dist. Court of Appeals.

In Procedendo. Sua sponte, cause dismissed.

F.E. Sweeney, J., dissents and would grant an alternative writ.

95-288. State ex rel. Gaskins v. Cleveland.

In Mandamus. On answer of respondent. Answer treated as motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

95-290. State ex rel. Bailey v. Ohio Dept. of Rehab. & Corr.  
In Mandamus. On answer of respondent. Answer treated as motion to  
dismiss. Motion to dismiss sustained. Cause dismissed.

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

Pfeifer, J., dissents and would grant an alternative writ.

95-353. Mardis v. Scioto Cty. Court of Appeals.

In Mandamus. On answer of respondent. Answer treated as motion to  
dismiss. Motion to dismiss sustained. Cause dismissed.

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

95-396. State ex rel. Wren v. Oliver.

In Mandamus. Sua sponte, cause dismissed.

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

DISMISSALS, SUA SPONTE, NO SUBSTANTIAL CONSTITUTIONAL  
QUESTION AND DISCRETIONARY APPEALS, IF APPLICABLE, NOT ALLOWED

94-2627. Brown-Graves Co. v. Obert.

Summit County, Nos. 16690 and 16706. (Appeal by Brown-Graves  
Company; second appeal by Miller Electric Company, Inc.)

Moyer, C.J., dissents.

Cook, J., not participating.

94-2628. State v. Tucker.

Sandusky County, No. S-94-5.

Resnick, J., not participating.

94-2629. State v. Clinger.

Seneca County, No. 13-93-42.

Douglas, J., dissents.

94-2632. Riemenschneider v. Riemenschneider.

Franklin County, No. 94APF02-170.

Douglas, J., dissents.

94-2667. Brown v. Kilgore.

Franklin County, No. 94APE05-660.

94-2675. Liddel v. SCA Serv. of Ohio, Inc.

Cuyahoga County, No. 61129.

Moyer, C.J., and Douglas, J., dissent.

94-2678. Farley v. Farley.

Cuyahoga County, No. 66455.

Douglas and Resnick, JJ., dissent.

94-2685. Greene v. Am. Bankers Ins. Co.

Cuyahoga County, No. 66091. On motion to certify the record.  
Motion denied.

Pfeifer, J., dissents.

On cross-motion to certify the record. Motion denied.

94-2689. Estate of Simone v. Nationwide Ins. Co.  
Cuyahoga County, No. 67081.

Resnick and Pfeifer, JJ., dissent.

94-2690. Whitlock v. Ent. Metal Serv., Inc.  
Lucas County, No. L-94-115.

Douglas and Wright, JJ., dissent.

94-2692. State v. Smith.  
Cuyahoga County, No. 66496.

94-2705. State v. Swope.  
Miami County, No. 93CA46.

94-2711. Carter v. Butler Cty. Sheriff.  
Butler County, No. CA94-05-111.

Resnick, J., dissents.

94-2712. State v. Smith.  
Franklin County, Nos. 94APA04-502 and 94APA04-503.

94-2713. State Auto. Mut. Ins. Co. v. Cleveland Carriage Co.  
Cuyahoga County, No. 67260.

Pfeifer, J., dissents.

94-2714. State v. Cruz.  
Mahoning County, No. 90 C.A. 71.

94-2715. In re Beeman.  
Lake County, No. 93-L-098.

94-2718. State v. Stepp.  
Franklin County, No. 93APA10-1488.

94-2720. Evanoff v. Grove Mfg. Co.  
Portage County, No. 93-P-0014.  
Douglas and Wright, JJ., dissent.

94-2740. State v. Barna.  
Montgomery County, No. 14425.

94-2741. Bayer v. Mapes.  
Cuyahoga County, No. 66541.  
F.E. Sweeney, J., dissents.

94-2742. State v. Easter.  
Cuyahoga County, No. 66393.  
Wright, J., dissents.

94-2744. State v. Randall.  
Darke County, No. 1346.  
Wright and Pfeifer, JJ., dissent.

94-2749. Iammarino v. OfficeMax, Inc.  
Cuyahoga County, No. 65986.

94-2750. State v. Hunter.

Cuyahoga County, No. 66843.  
Wright, J., dissents.

94-2758. Foltz v. Able Fence & Guard Rail, Inc.  
Lake County, No. 94-L-020.  
Wright, J., dissents.

94-2759. Hardrives Paving & Constr., Inc. v. Niles.  
Trumbull County, No. 93-T-4910.  
Resnick, J., dissents.

94-2761. State v. Mulkey.  
Franklin County, No. 94APA04-495.

94-2763. Hart v. Justarr Corp.  
Hamilton County, No. C-930700. (Appeal by Abe Fischer; second  
appeal by Justarr Corporation with claimed appeal of right.)

94-2768. State v. Bretz.  
Portage County, No. 94-P-0042.

94-2769. State v. Haight.  
Franklin County, No. 93APA08-1133. On motion and cross-motion for  
leave to appeal. Motions denied.

95-7. State v. Floyd.  
Mahoning County, No. 92 C.A. 151.

95-14. Route 306 Motel, Inc. v. Zupancic.  
Lake County, No. 93-L-161.

95-19. State v. Garcia.  
Cuyahoga County, No. 67472.

95-24. State v. Beaton.  
Warren County, No. CA94-03-036.  
Douglas and Resnick, JJ., dissent.

95-52. Gentry v. Ohio Dept. of Rehab. & Corr.  
Franklin County, No. 94APE07-1097.

95-94. Ohio Bell Tel. Co. v. Richard L. Bowen & Assoc., Inc.  
Cuyahoga County, No. 66517.

#### MOTION DOCKET

94-31. State ex rel. Hoover Co. v. Indus. Comm.  
Franklin County, No. 92AP-1113. On request for oral argument.  
Request denied.

94-2045. Roxane Laboratories, Inc. v. Tracy.  
Franklin County, Nos. 93APH12-1721 and 93APH12-1722. On motion for  
admission pro hac vice of Brian E. Andreoli. Motion granted.

94-2178. Am. Natl. Bank v. Touche Ross & Co.  
Cuyahoga County, No. 65837. On motion for admission pro hac vice of

Thomas L. Riesenbergr. Motion granted.

94-2181. State ex rel. Linndale v. Teske.  
In Mandamus. On answer of respondent. Sua sponte, alternative writ granted.

Pfeifer and Cook, JJ., dissent and would dismiss the cause.

95-172. State v. Hamilton.  
Montgomery County, No. 14525. On review of order certifying a conflict. The court determines that a conflict exists; the parties are to brief the issue stated at page 4 of the court of appeals' Decision and Entry, rendered January 13, 1995.

F.E. Sweeney, J., dissents.

95-389. Shaper v. Tracy.  
Board of Tax Appeals, No. 93-X-1032. On motion for admission pro hac vice by Leon Friedberg, Esq. Motion granted.

95-398. State v. Griffith.  
Delaware County, No. 94CAC02003. On review of order certifying a conflict. The court determines that a conflict exists; the parties are to brief the issue set forth on pages 1-2 of the court of appeals' Judgment Entry, filed February 10, 1995.

Sua sponte, cause consolidated with 95-209, infra.

95-404. State v. Chojnacki.  
Medina County, No. 2326-M. On motion for leave to file delayed appeal. Motion granted.

F.E. Sweeney, J., dissents.

Cook, J., not participating.

95-453. State v. Burbridge.  
Butler County, No. CA94-01-023. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

#### DISCRETIONARY APPEALS ALLOWED

94-2511. Roberts v. United States Fid. & Guar. Co.  
Erie County, No. E-93-35. On motion and cross-motion to certify the record. Motions granted.

Cook, J., dissents.

94-2732. Ozog v. Nationwide Ins. Co.  
Cuyahoga County, Nos. 66421 and 66428.

Wright and Resnick, JJ., dissent.

94-2739. State v. Gersin.  
Lake County, No. 93-L-025.

Wright, Pfeifer and Cook, JJ., dissent.

94-2762. Bielefeld v. State Farm Mut. Ins. Co.  
Cuyahoga County, No. 67093.

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

95-209. State v. Griffith.

Delaware County, No. 94CA02003. Sua sponte, cause consolidated with 95-398, supra.

F.E. Sweeney, J., dissents.

DISCRETIONARY APPEALS NOT ALLOWED

94-2639. Kratzer v. O'Brien.

Stark County, No. 94CA0044.

Wright and Pfeifer, JJ., dissent.

94-2657. Peterson v. Camelot Court Dev., Inc.

Lake County, No. 93-L-155.

Wright, J., dissents.

94-2677. Midwestern Indemn. Co. v. Video Features, Inc.

Hamilton County, No. C-930401.

94-2681. State v. McConnell.

Coshocton County, No. 94CA1.

94-2683. Petretic v. St. Augustine Corp.

Cuyahoga County, No. 67070.

94-2687. Vermilion Teachers' Assn. v. Vermilion Local School Dist. Bd. of Edn.

Erie County, No. E-93-49.

Douglas, J., dissents.

94-2696. Postlewait v. Bell Health Care, Inc.

Guernsey County, No. 94CA02.

94-2700. Meeks v. Abitibi-Price Corp.

Lucas County, No. L-94-053.

Resnick, J., not participating.

94-2703. State v. McKelvey.

Mahoning County, No. 93 C.A. 210.

Wright, J., dissents.

94-2709. Menti v. Joy.

Cuyahoga County, No. 65706.

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

94-2719. Kurinsky v. Natl. Cable Television Assn.

Cuyahoga County, No. 66143.

Wright, J., dissents.

94-2721. Dirksing v. Blue Chip Architectural Products, Inc.

Butler County, No. CA93-08-156.

Wright, J., dissents.

94-2725. Crestwood Local School Dist. Bd. of Edn. v. Ohio Assn. of Pub. School Emp. Local 385.

Portage County, No. 93-P-0104.

Douglas, Resnick and F.E. Sweeney, JJ., dissent.

94-2729. Tarry v. Stewart.  
Lorain County, No. 93CA005690.  
Cook, J., not participating.

94-2730. Zanetti v. Lieberman.  
Stark County, No. CA-9560.

94-2731. State v. Fenstermaker.  
Summit County, No. 16720.  
Resnick, J., dissents.  
Cook, J., not participating.

94-2733. Nagy v. Patterson.  
Lorain County, No. 94CA005837.  
Cook, J., not participating.

94-2737. Martin v. Roeder.  
Marion County, No. 9-94-46.

94-2743. Tekavec v. Sears, Roebuck & Co.  
Cuyahoga County, No. 66370.  
Pfeifer, J., dissents.  
Wright, J., not participating.

94-2745. Evanoff v. Ohio Edison Co.  
Portage County, No. 93-P-0015.  
Douglas and Wright, JJ., dissent.  
Cook, J., not participating.

94-2748. Previte v. Previte.  
Lake County, No. 94-L-019.  
Douglas, J., dissents.

94-2751. McCloskey v. Willoughby.  
Lake County, No. 94-L-085.  
Pfeifer, J., dissents.

94-2752. In re Adoption of Zschach.  
Fairfield County, Nos. 1994CA14 and 1994CA19.  
Moyer, C.J., and Resnick, J., dissent.  
Wright, J., not participating.

94-2757. Gen. Chem. Corp. v. Garfield Hts.  
Cuyahoga County, No. 67713.  
F.E. Sweeney and Pfeifer, JJ., dissent.

94-2760. Cleveland Indus. Square, Inc. v. T.H.E.M. of Ohio, Inc.  
Cuyahoga County, No. 66381.  
Pfeifer, J., dissents.

94-2766. Grabill v. Worthington Industries, Inc.  
Franklin County, Nos. 94APE04-595, 94APE05-636, 94APE05-668 and  
94APE05-702.  
Moyer, C.J., and Wright, J., not participating.

94-2770. Williams v. Cent. Psychiatric Clinic.  
Franklin County, No. 94API02-228.



95-1. Thomas v. Coshocton Cty. Sheriff.  
Coshocton County, No. 94-CA-6.

95-12. State v. Williams.  
Hamilton County, No. C-940232.

95-83. Ridge v. AMC, Inc.  
Jackson County, No. 93CA719. On motion for leave to file statement  
of additional authorities. Motion denied.  
Wright, J., dissents.

95-170. In re Adoption of Zschach.  
Fairfield County, Nos. 1994CA14 and 1994CA19.  
Moyer, C.J., and Resnick, J., dissent.  
Wright, J., not participating.

95-171. State v. Hamilton.  
Montgomery County, No. 14525.  
Moyer, C.J., and Resnick, J., would allow on Proposition of Law  
No. I only.

#### RECONSIDERATION DOCKET

94-2434. Bloom v. McCoil.  
Ottawa County, No. 94-OT-018. Reported at 71 Ohio St.3d 1465,  
N.E.2d . On motion for reconsideration. Motion denied.  
Douglas and Cook, JJ., dissent.

#### SUPREME COURT OF OHIO

#### COLUMBUS

#### SUPPLEMENTAL ANNOUNCEMENT

9:00 A.M.

WEDNESDAY  
March 29, 1995

#### MOTION DOCKET

89-539. State v. Johnson.

Clinton County, No. CA88-02-002. On motion for reconsideration under S.Ct.Prac.R. XI(1)(B). Motion denied on authority of State v. Buell (1994), 70 Ohio St.3d 1211, 639 N.E.2d 110.

91-2480. State v. Wasserman.

Erie County, No. E-90-42. On motion for reconsideration under S.Ct.Prac.R. XI(1)(B). Motion denied on authority of State v. Buell (1994), 70 Ohio St.3d 1211, 639 N.E.2d 110.