

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 15, 1995

MERIT DOCKET

94-220. State v. Dixon.
Greene County. Certified by the Court of Appeals for Greene County,
No. 93 CA 18. Judgment reversed as to the certified issued only,
and the judgment of the trial court is reinstated.

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

94-2066. Johnson v. Univ. Mednet.
Cuyahoga County. Appeal from the Court of Appeals for Cuyahoga
County, No. 65623. Discretionary appeal allowed; the judgment of
the court of appeals is reversed, and the cause is remanded.

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

Wright and Cook, JJ., dissent.

SUPREME COURT OF OHIO

COLUMBUS

SUPPLEMENTAL ANNOUNCEMENT

9:00 A.M.

WEDNESDAY
March 15, 1995

MERIT DOCKET

94-620. Uschold v. Community Blood Center.
Montgomery County, No. 14349. On motion to dismiss. Motion to
dismiss sustained. Cause dismissed.

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 15, 1995

MERIT DOCKET

94-1894. State ex rel. Wiley Organics, Inc. v. Indus. Comm.
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.

94-2078. State ex rel. Blankenship v. Ohio Adult Parole Auth.

In Mandamus. Sua sponte, cause dismissed.

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

94-2370. State ex rel. Dotson v. McAninch.

In Habeas Corpus. Sua sponte, cause dismissed.

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

94-2414. Ushery v. Brigano.

In Habeas Corpus. Sua sponte, cause dismissed.

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

94-2513. Casey v. Edwards.

In Habeas Corpus. Sua sponte, cause dismissed.

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

94-2710. Baker v. State.

In Habeas Corpus. Sua sponte, cause dismissed.

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

95-84. State ex rel. Nelson v. Eighth Dist. Court of Appeals.

In Procedendo. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

95-145. Hayhurst v. Ohio Adult Parole Auth.

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.

95-196. State ex rel. Stevenson v. Anderson.

In Mandamus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

95-212. Donaldson v. Wood Cty.

On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

95-215. State ex rel. Dines v. Indus. Comm.

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.

95-236. In re Manogg.

In Habeas Corpus. Sua sponte, cause dismissed.

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

95-372. State v. Dick.

Tuscarawas County, No. 94AP040025. On review of order certifying a conflict. No rule of law upon which an alleged conflict exists has been set forth clearly in the order of the court of appeals certifying a conflict within the meaning of S.Ct.Prac.R. IV and Whitelock v. Gilbane Bldg. Co. (1993), 66 Ohio St.3d 594, 613 N.E.2d 1032. This cause is remanded to the court of appeals pursuant to S.Ct.Prac.R. IV(2)(A) for that court to clarify the issue presented and to set forth clearly in its order of certification the rule of law upon which the alleged conflict exists.

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

Pfeifer, J., dissents and would accept the certification order for review.

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

94-2445. In re Clinton Mem. Hosp.
Franklin County, No. 94APH04-576.

94-2522. Raines v. Lower Price Hill Community Urban Dev. Corp.
Hamilton County, Nos. C-930656 and C-930893.

94-2530. Gardner v. Gleydura.
Cuyahoga County, No. 66570.
Moyer, C.J., and Pfeifer, J., dissent.

94-2543. State v. Strickland.
Franklin County, Nos. 93APA10-1445 and 93APA12-1708.

94-2546. State v. Cooley.
Hamilton County, No. C-930644.
Wright, J., dissents.

94-2547. Gockel v. Elbe.
Cuyahoga County, No. 66153.
Pfeifer, J., dissents.

94-2548. Zanesville v. Spinks.
Muskingum County, No. 9417.

94-2552. State v. Martin.
Cuyahoga County, No. 66046.

94-2553. Fifth & Simpson, Inc. v. Ohio Liquor Control Comm.
Hamilton County, No. C-930576.

94-2557. State v. Robinson.
Franklin County, No. 94APA01-66.
Moyer, C.J., Wright and Pfeifer, JJ., dissent.

94-2558. State v. Young.
Fairfield County, No. 94CA16.

94-2559. State v. Linehan.

Montgomery County, No. 14206.

94-2566. Incorporated Village of Octa v. Interstate Adult Arcade.
Fayette County, No. CA94-04-002.

94-2567. State v. Miller.
Lucas County, No. L-93-141.
Resnick, J., dissents.

94-2568. Robb v. Murphy.
Muskingum County, No. CT946.
Moyer, C.J., dissents.

94-2573. Smith v. Midwest Health Serv., Inc.
Hamilton County, No. C-940224. On motion to certify the record and
on motion to consolidate with 94-2309, State ex rel. Smith v.
O'Connor, Hamilton County, No. C-940141. Motions denied.
Moyer, C.J., dissents.

94-2574. State v. Wilson.
Union County, No. 14-94-20.

94-2576. Hanlon v. Lane.
Summit County, No. 16697.

94-2577. State v. Lott.
Cuyahoga County, Nos. 66388, 66389 and 66390.
Wright, J., dissents.

94-2579. Minor v. Minor.
Tuscarawas County, No. 94AP030010.

94-2581. State v. Lusher.
Wood County, No. 94WD036.
F.E. Sweeney, J., dissents.

94-2583. State v. Fazio.
Belmont County, No. 93-B-10.

94-2587. In re Stanton.
Hamilton County, No. C-930271.

94-2589. State v. Sims.
Lorain County, No. 94CA005797.

94-2591. State v. Evilsizor.
Champaign County, No. 93-CA-15.

94-2598. Neal v. Neal.
Butler County, Nos. CA94-03-065 and CA94-03-073.

94-2599. Dickerson v. Internatl. United Auto Workers Union.
Cuyahoga County, Nos. 65513 and 65543.
Moyer, C.J., and Wright, J., dissent.

94-2601. Fischer v. Fischer.
Hamilton County, No. C-930600.

Resnick, J., dissents.

94-2603. State v. Watson.
Cuyahoga County, No. 66162.
Douglas, J., dissents.

94-2604. State v. Harris.
Cuyahoga County, No. 66103.

94-2605. State v. Spears.
Preble County, No. CA94-01-001.

94-2609. State v. Merriman.
Cuyahoga County, No. 65923.

94-2611. State v. Charlton.
Lorain County, No. 94CA005939.
Cook, J., not participating.

94-2613. In re Adoption of Baby Boy Dearing.
Medina County, No. 2294-M.
Cook, J., not participating.

94-2625. State v. Rodgers.
Cuyahoga County, No. 66487.

94-2626. State v. Scurry.
Hamilton County, No. C-940110.
Douglas, J., dissents.

94-2631. Cooper v. Adams.
Hamilton County, No. C-930732.
Pfeifer, J., dissents.

94-2633. Spence v. Gohara.
Lucas County, No. L-94-043.
Moyer, C.J., and Cook, J., dissent.
Resnick, J., not participating.

94-2638. State v. Pandolph.
Cuyahoga County, No. 67166.

94-2641. State v. Cox.
Lawrence County, No. 93-CA-43.

94-2671. Davis v. Omni Security.
Montgomery County, No. 13838.

95-6. Mills Fence Co. v. Witsken.
Hamilton County, No. C-930875.

95-127. Dickerson v. Internatl. Union UAW.
Cuyahoga County, Nos. 65513 and 65543.
Wright, J., dissents.

MOTION DOCKET

93-2626. State ex rel. Riser Foods, Inc. v. Trimble.
Franklin County, No. 92AP-827. On request for oral argument.
Request denied.

94-1241. Boehringer Ingelheim Pharmaceuticals, Inc. v. Tracy.
Board of Tax Appeals, No. 92-M-434. On request for argument before
full court. Request granted.
F.E. Sweeney, J., dissents.

94-1454. K.S.T. Oil & Gas Co. v. Tracy.
Board of Tax Appeals, No. 92-A-347. Sua sponte, this cause is
consolidated with 94-1455, K.S.T. Oil & Gas Co. v. Tracy, Board of
Tax Appeals, No. 92-A-348, and CVAS Drilling, Inc. v. Tracy, Board
of Tax Appeals, No. 92-A-346.

94-1594. State ex rel. Leach v. Schotten.
Trumbull County, No. 94-T-5033. On motion to supplement the
record. Motion granted.
Moyer, C.J., and F.E. Sweeney, J., dissent.

94-1924. Evilsizor v. Tracy.
Board of Tax Appeals, No. 93-B-1034. On request for argument before
full court. Request denied.

94-1945 and 94-1946. Brookbank v. Gray.
Hamilton County, No. C-930312. On motion to strike. Motion denied.
Douglas, J., would also deny sanctions and sua sponte allow the
filing of appellee's brief.
Pfeifer, J., dissents.

95-64. State ex rel. Crandall, Phiels & Wisniewski v. DeCessna.
In Procedendo and Prohibition. Sua sponte, alternative writ granted.
Resnick, J., not participating.

95-358. State v. Coats.
Cuyahoga County, No. 65748. On motion for leave to file delayed
appeal. Motion denied.
Moyer, C.J., and Resnick, J., dissent.

95-360. State v. Brown.
Franklin County, No. 94APA04-602. On motion for leave to file
delayed appeal. Motion denied.
Moyer, C.J., and Pfeifer, J., dissent.

DISCRETIONARY APPEALS ALLOWED

94-2544. Fox v. Bowling Green.
Wood County, No. 94WD0009.
F.E. Sweeney and Pfeifer, JJ., dissent.
Resnick, J., not participating.

94-2564. State v. Rebman.
Lorain County, No. 94CA005857.
Wright and Pfeifer, JJ., dissent.
Cook, J., not participating.

94-2569. Cole v. Holland.
Summit County, No. 16703. Sua sponte, this cause is consolidated
with 94-2616, infra.

94-2616. Spriggs v. Lightning Rod Mut. Ins. Co.
Scioto County, No. 93CA2203. Sua sponte, this cause is consolidated
with 94-2569, supra.

DISCRETIONARY APPEALS NOT ALLOWED

94-2402. Personal Serv. Ins. Co. v. Quandt.
Franklin County, No. 94APE03-372. On motion and cross-motion to
certify the record. Motions denied.
Wright and F.E. Sweeney, JJ., dissent.
Pfeifer, J., not participating.

94-2524. Myers v. Riley.
Huron County, No. H-93-032.
Wright, J., dissents.
Resnick, J., not participating.

94-2541. State v. Ledbetter.
Greene County, No. 93CA54.
Douglas, J., dissents.

94-2550. Thottam v. Thottam.
Stark County, No. 1994CA00007. On motion to certify the record.
Motion denied.
Douglas and Resnick, JJ., dissent.

94-2563. Leyshon v. Liller.
Washington County, No. 93CA37.

94-2570. Avon v. Mitchell.
Lorain County, No. 93CA005722.
Cook, J., not participating.

94-2582. Andrews v. Andrews.
Fulton County, No. 94FU000005.
Resnick, J., not participating.

94-2586. State v. Myers.
Cuyahoga County, No. 66916.

94-2597. Gruber v. Ohio Dept. of Human Serv.
Delaware County, No. 94CAE06015.
Douglas and Pfeifer, JJ., dissent.

94-2600. Westvaco v. West 114th Berea Realty Corp.
Cuyahoga County, No. 66180.

94-2602. Atwood Resources v. Lehigh.
Tuscarawas County, No. 94AP030011.

94-2607. Price v. New Madison.

Darke County, No. 1348.

F.E. Sweeney, J., dissents.

Cook, J., dissents and would consolidate this cause with
94-1389, Kendrick v. Cleveland Metroparks Bd. of Commrs., Cuyahoga
County, Nos. 65388 and 65525.

94-2618. Essig v. Tabbert.

Lorain County, No. 94CA005845.

Wright, J., dissents.

94-2619. State v. Beavers.

Cuyahoga County, Nos. 66397 and 66398.

Resnick, J., dissents.

94-2620. State ex rel. Harlamert v. Huber Hts.

Montgomery County, No. 14353.

94-2623. Haddad v. Ginsburg.

Medina County, No. 2301-M.

Douglas, J., dissents.

Cook, J., not participating.

94-2624. Brooks v. Wilson.

Summit County, No. 16576.

Pfeifer, J., dissents.

Cook, J., not participating.

94-2630. State v. Fiske.

Huron County, No. H-94-14.

94-2634. Shifflett v. Rion.

Montgomery County, No. 14477.

94-2660. Walker v. Trimble.

Cuyahoga County, No. 66303.

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

94-2707. Ohio State Grange Mut. Ins. Co. v. Shimandle.

Lake County, No. 94-L-032.

Resnick, J., dissents.

94-2716. Eppley v. Bratton.

Coshocton County, No. 94-CA-7.

Douglas, Resnick and Pfeifer, JJ., dissent.

94-2717. Pavia v. State Farm Mut. Ins. Co.

Erie County, No. E-94-23.

Wright, J., dissents.

Resnick, J., not participating.

RECONSIDERATION DOCKET

94-2099. Smith v. Cosco, Inc.

Hamilton County, No. C-940289. Reported at 71 Ohio St.3d 1462,

N.E.2d . On motion for reconsideration. Motion denied.

94-2165. State v. Combs.
Hamilton County, No. C-930498. Reported at 71 Ohio St.3d 1472,
N.E.2d . On motion for reconsideration. Motion denied.

94-2170. State v. Durr.
Cuyahoga County, No. 65958. Reported at 71 Ohio St.3d 1455,
N.E.2d . On motion for reconsideration. Motion denied.

94-2200. Ravens Metal Products, Inc. v. Harrett Corp.
Tuscarawas County, No. 93AP100068. Reported at 71 Ohio St.3d
1458, N.E.2d . On motion for reconsideration. Motion denied.
Wright and Pfeifer, JJ., dissent.

94-2228. State v. Nunn.
Cuyahoga County, No. 66221. Reported at 71 Ohio St.3d 1455,
N.E.2d . On motion for reconsideration. Motion denied.

94-2295. Costidakis v. Park Corp.
Cuyahoga County, No. 66167. Reported at 71 Ohio St.3d 1459,
N.E.2d . On motion for reconsideration. Motion denied.