

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  
April 12, 1995

MERIT DOCKET

93-939. State ex rel. Lewis v. Moser.

In Mandamus. Writ denied.

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

Resnick, J., concurs in judgment only.

Pfeifer, J., dissents.

93-2307. Dillon v. Med. Ctr. Hosp.

Ross County. Appeal from the Court of Appeals for Ross County, No.  
93 CA 1942. Sua sponte, cause dismissed as having been improvidently  
allowed.

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

Wright, Pfeifer and Cook, JJ., dissent.

93-2331, 93-2332 and 93-2449. Canton Storage & Transfer Co. v. Pub.  
Util. Comm.

Advance Transfer Co. v. Pub. Util. Comm.

Carr's Moving & Storage Co. v. Pub. Util. Comm.

Public Utilities Commission. Appeals from the consolidated order of  
the Public Utilities Commission of Ohio, Nos. 90-506-TR-ACE,

90-507-TR-ACE, 90-508-TR-ACE, 90-509-TR-ACE, 90-510-TR-ACE,

90-511-TR-ACE, 90-512-TR-ACE, 90-514-TR-ACE, 90-516-TR-ACE,

90-517-TR-ACE, 90-518-TR-ACE, 90-519-TR-ACE, 90-520-TR-ACE,

90-522-TR-ACE, 90-524-TR-ACE, 90-633-TR-ACE, 90-634-TR-ACE,

90-662-TR-ACE, 90-686-TR-ACE, 90-860-TR-ACE, 90-861-TR-ACE and

90-930-TR-ACE. Order reversed and cause remanded.

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

JJ., concur.

Wright, J., concurs in judgment only.

93-2593. Trebmal Landerhaven v. Cuyahoga Cty. Bd. of Revision.  
Board of Tax Appeals. Appeal from the Board of Tax Appeals, Nos.  
91-M-269 and 91-M-270. Decision affirmed.

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

94-1414. Webb Corp. v. Lucas Cty. Bd. of Revision.  
Board of Tax Appeals. Appeal from the Board of Tax Appeals, No.  
92-K-1438. Decision affirmed.

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

94-1860. Columbus Bar Assn. v. Baker.  
On Certified Report by the Board of Commissioners on Grievances and  
Discipline of the Supreme Court, No. 93-37. Blaise Baker is suspended  
from the practice of law for six months, stayed, on conditions.

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

94-2649. Richland Cty. Bar Assn. v. Beilstein.  
On Certified Report by the Board of Commissioners on Grievances and  
Discipline of the Supreme Court, No. 94-05. Kathryn Ann Beilstein is  
publicly reprimanded.

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

94-2651. Cleveland Bar Assn. v. Kurtz.  
On Certified Report by the Board of Commissioners on Grievances and  
Discipline of the Supreme Court, No. 94-52. John C. Kurtz is  
suspended from the practice of law for six months.

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

SUPREME COURT OF OHIO

COLUMBUS

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9:00 A.M.

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April 12, 1995

MERIT DOCKET

90-291. State v. Durr.

Cuyahoga County, No. 57140. 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.

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

91-1498. State v. Dever.

Hamilton County, No. C-880712. 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.

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

94-2585. In re Liccardi.

In Habeas Corpus. Petition denied as meritless.

Moyer, C.J., Wright, Pfeifer and Cook, JJ., concur.

Douglas, Resnick and F.E. Sweeney, JJ., would dismiss the cause.

94-2643. Hendricks v. State.

In Habeas Corpus. Sua sponte, cause dismissed.

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

Moyer, C.J., Pfeifer and Cook, JJ., would deny the petition as meritless.

95-57. Harris v. Edwards.

In Habeas Corpus. Petition denied as meritless.

Moyer, C.J., Wright, Pfeifer and Cook, JJ., concur.

Douglas, Resnick and F.E. Sweeney, JJ., would dismiss the cause.

95-129. Perotti v. Collins.

In Habeas Corpus. Petition denied as meritless.

Moyer, C.J., Wright, Pfeifer and Cook, JJ., concur.

Douglas, Resnick and F.E. Sweeney, JJ., would dismiss the cause.

95-157. State ex rel. Bernard v. State.

In Habeas Corpus. Petition denied as meritless.

Moyer, C.J., Wright, Pfeifer and Cook, JJ., concur.

Douglas, Resnick and F.E. Sweeney, JJ., would dismiss the cause.

95-410. Evegán v. Cissell.

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.

95-416. State ex rel. Moss 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.

95-419. Turner v. Wilkinson.

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, J.J., concur.

95-445. State ex rel. Sealy v. Brown.

In Mandamus and Prohibition. 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, J.J., concur.

95-449. State ex rel. Robinson v. Ohio Adult Parole Auth.

In Mandamus. Sua sponte, cause dismissed.

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

95-458. State ex rel. Bauer v. Ohio Adult Parole Auth.

In Mandamus. Sua sponte, cause dismissed.

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

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

94-1972. In re Wilson.

Cuyahoga County, No. 66897.

Resnick, J., dissents.

94-2693. Nelson v. Nelson.

Summit County, No. 16918.

Cook, J., not participating.

95-5. Shapiro v. Shapiro.

Miami County, No. 94-CA-2.

95-8. State v. Yee.

Erie County, No. E-93-72.

Resnick and Pfeifer, J.J., dissent.

95-10. Representaciones Internaciones Salinas, S.A. v. Bridgestone/  
Firestone, Inc.

Hamilton County, No. C-930620.

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

95-13. Outdoor Outfitters, Inc. v. Fireman's Fund Ins. Co.

Hamilton County, No. C-930682.

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

95-15. Burton v. Grange Mut. Cas. Co.

Hamilton County, No. C-930411.

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

95-17. State v. Lockett.

Cuyahoga County, No. 67098.

95-18. State v. Holmes.  
Hamilton County, No. C-940802.

95-25. State v. Salter.  
Mahoning County, No. 91 C.A. 90.  
Wright, J., dissents.

95-29. Nozik v. McDonald.  
Lake County, No. 93-L-183.

95-32. In re Woodson.  
Franklin County, Nos. 94APF03-395 and 94APF03-396.  
Moyer, C.J., and Douglas, J., dissent.

95-41. State v. Fisher.  
Auglaize County, No. 2-94-19.  
Wright, J., dissents.

95-44. Langford v. Victoria Fire & Cas. Co.  
Cuyahoga County, No. 65763.  
Douglas, J., dissents.

95-45. Bland v. Graves.  
Summit County, Nos. 16637 and 16721.  
Cook, J., not participating.

95-46. Seifert v. Polaris Joint Vocational School.  
Cuyahoga County, No. 65840.  
Pfeifer, J., dissents.

95-48. State v. Brown.  
Franklin County, No. 94APA03-298.

95-56. State v. Carroll.  
Lorain County, Nos. 93CA005775 and 94CA005814.  
Cook, J., not participating.

95-61. State v. Wasserman.  
Erie County, No. E-93-79.

95-62. State v. Palicki.  
Wood County, No. 94WD037.  
Wright and Pfeifer, JJ., dissent.

95-65. Keller v. Bacevice.  
Lorain County, No. 94CA005812.  
Resnick and Pfeifer, JJ., dissent.  
Cook, J., not participating.

95-67. State v. Green.  
Lake County, No. 94-L-067.

95-74. Jungkunz v. Fifth Third Bank.  
Hamilton County, No. C-930793.

95-78. Walton v. Shelangoski.

Cuyahoga County, No. 67518.

95-79. State v. Clagg.  
Franklin County, No. 94APA03-397.

95-82. May v. Bowland.  
Hamilton County, Nos. C-940107 and C-940153.

95-86. State v. Lester.  
Summit County, No. 16691.  
Cook, J., not participating.

95-89. Wise v. Bays.  
Gallia County, No. 94CA11.

95-106. State v. Chappell.  
Cuyahoga County, No. 66501.  
Wright, J., dissents.

95-114. State v. Alexander.  
Cuyahoga County, No. 66430.

95-121. State ex rel. Ferrere v. Kotze.  
Lake County, No. 94-L-054.

95-205. State v. Willis.  
Franklin County, No. 94APA04-554.  
Pfeifer, J., dissents.

#### MOTION DOCKET

90-338. State v. Richey.  
Putnam County, No. 12-87-2. On motion for admission pro hac vice by  
Kenneth J. Parsigian. Motion granted.

94-1217. Hood v. Diamond Products, Inc.  
Lorain County, No. 93CA005649. On motion with respect to judicial  
notice of legislative facts. Motion denied.

94-1557. Dixon v. Gen. Motors Corp.  
Defiance County, No. 4-94-1. On motion to strike portions of  
appellant's supplement. Motion granted and attorney fees of \$500  
allowed as a sanction against appellant's attorneys.  
Resnick, F.E. Sweeney and Pfeifer, JJ., would not allow attorney  
fees as a sanction.

94-1869. Am. Cyanamid Co. v. Tracy.  
Board of Tax Appeals, No. 92-G-1380. On request for argument before  
full court. Request granted and cause to be argued on same date as  
94-1241, Boehringer Ingelheim Pharmaceuticals, Inc. v. Tracy, Board of  
Tax Appeals, No. 92-M-434.

94-1962. Creed v. Sauline.  
Trumbull County, No. 93-T-4977. On motion to strike. Motion denied.  
Moyer, C.J., would grant the motion regarding parts not part of  
the record.

Wright, J., would grant the motion.

95-222. Allstate Ins. Co. v. Cutcher.  
Certified State Law Question, No. 3:93cv7721. On preliminary memorandum pursuant to S.Ct.Prac.R. XVIII(6). The court will answer Questions A and B, found at page 4 of the Certification Order of Judge James G. Carr.

Moyer, C.J., Wright and Cook, JJ., would answer Question A only.

95-459. Lewis v. Ohio Edison Co.  
Mahoning County, No. 94 C.A. 20. On motion for leave to file statement of additional authorities. Motion granted.

Cook, J., not participating.

95-473. State v. Fleischer.  
Licking County, No. CA-3613. On motion for leave to file delayed appeal. Motion denied.

95-479. State v. Hayes.  
Mahoning County, No. 92 C.A. 77. On motion for leave to file delayed appeal. Motion denied.

95-483. State v. Oliver.  
Lorain County, No. 94CA005891. On motion for leave to file delayed appeal. Motion denied.

95-484. State v. Oliver.  
Lorain County, No. 94CA005920. On motion for leave to file delayed appeal. Motion denied.

95-497. State v. Williams.  
Lucas County, No. L-93-366. On motion for leave to file delayed appeal. Motion denied.

95-499. State v. Swisher.  
Cuyahoga County, No. 66656. On motion for leave to file delayed appeal. Motion denied.

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

95-504. State v. Zerla.  
Franklin County, No. 94APA03-350. On motion for leave to file delayed appeal. Motion denied.

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

95-506. State v. Dukes.  
Franklin County, No. 94APA06-822. On motion for leave to file delayed appeal. Motion denied.

Douglas and Cook, JJ., dissent.

#### DISCRETIONARY APPEALS ALLOWED

95-22. First Natl. Supermarkets, Inc. v. Merrill Lynch, Pierce, Fenner & Smith, Inc.  
Cuyahoga County, No. 66454.

Douglas and Resnick, JJ., dissent.

95-53. State v. Economo.  
Cuyahoga County, No. 66408.  
Wright and F.E. Sweeney, JJ., dissent.

95-108. Armco, Inc. v. N. Assur. Co. of Am.  
Butler County, No. CA94-02-026.  
Moyer, C.J., Douglas and Pfeifer, JJ., dissent.

95-131. Estates of Morgan v. Fairfield Family Counseling Ctr.  
Fairfield County, No. 94-CA-11. (Appeal by Estate of Jerry L. and  
Marlene F. Morgan through their executor; second appeal by Harold  
Brown.)  
Wright and Resnick, JJ., dissent.

DISCRETIONARY APPEALS NOT ALLOWED

94-2672. Springfield Local School Dist. Bd. of Edn. v. Springfield  
Local Classroom Teachers Assn.  
Mahoning County, No. 93 C.A. 103.  
Douglas, Resnick and F.E. Sweeney, JJ., dissent.

94-2699. Lowe v. Cassidy.  
Franklin County, No. 94APE06-784.

94-2756. Smith v. Schneider.  
Cuyahoga County, No. 66958.

95-2. Moell v. Moell.  
Ottawa County, No. 94-OT-024.  
Pfeifer, J., dissents.  
Resnick, J., not participating.

95-11. Waddington v. Levison.  
Henry County, No. 7-94-5.

95-35. Lloyd v. Bard Mfg. Co.  
Williams County, No. 93WM000019.  
Resnick, J., not participating.

95-50. State v. Chavis.  
Summit County, No. 16949.  
Cook, J., not participating.

95-63. Patrick v. Painesville Commercial Properties, Inc.  
Lake County, No. 93-L-206.

95-70. Atkinson v. Archer.  
Franklin County, No. 94APE03-416.

95-75. Wayne Cty. Bd. of Commrs. v. Crissey.  
Wayne County, No. 2884.  
Resnick and Pfeifer, JJ., dissent.

95-76. Cohen v. United Serv. Auto. Assn.  
Cuyahoga County, No. 67094.

95-91. Ace Doran Hauling & Rigging Co. v. Tracy.  
Hamilton County, No. C-940864.

95-95. Youngstown State Univ. Assn. of Classified Emp. v. Youngstown  
State Univ.

Mahoning County, No. 93 C.A. 53.

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

95-96. Nocturnal, Inc. v. Ohio Liquor Control Comm.

Gallia County, No. 94CA08. (Appeal by Nocturnal, Inc.; second appeal  
by Mutih Skeini.)

95-130. In re Young.

Portage County, No. 94-P-0002.

95-142. Hanks v. Burt.

Montgomery County, No. 14616.

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

95-187. State v. Williams.

Hamilton County, No. C-940244.

95-203. Sec. Funding Corp. v. Mazzurco.

Lucas County, No. L-94-084.

Wright, J., dissents.

95-211. Bechtel-McLaughlin, Inc. v. Sandusky.

Erie County, No. E-93-83.

Douglas, J., dissents.

95-219. Stovall v. Brown Mem. Hosp.

Ashtabula County, No. 94-A-0022.

Resnick and Pfeifer, JJ., dissent.

#### RECONSIDERATION DOCKET

93-2143. Bammerlin v. Police & Firemen's Disability & Pension Fund.

Franklin County, No. 93AP-460. Reported at 71 Ohio St.3d 567,

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

94-2117. Best v. Energized Substation Serv.

Lorain County, No. 93CA005737. Reported at 71 Ohio St.3d 1479,

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

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

Cook, J., not participating.

94-2432. DeVault v. DeVault.

Franklin County, Nos. 93APF11-1606 and 94APF02-270. Reported at 71

Ohio St.3d 1480, N.E.2d . On motion for reconsideration filed  
pro se. Motion denied.

94-2461. State v. Wooten.

Crawford County, No. 3-94-7. Reported at 71 Ohio St.3d 1477,

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

94-2523. Spalding v. Aetna Cas. & Sur. Co.

Stark County, No. CA-9429. Reported at 71 Ohio St.3d 1477,  
N.E.2d . On motion for reconsideration. Motion denied.  
Moyer, C.J., and Wright, J., dissent.

94-2527. DeFelice v. Imperativo, Inc.  
Cuyahoga County, No. 66672. Reported at 71 Ohio St.3d 1481,  
N.E.2d . On motion for reconsideration. Motion denied.  
F.E. Sweeney, J., dissents.

94-2535. W. Am. Ins. Co. v. Hopkins.  
Clark County, No. CA3108. Reported at 71 Ohio St.3d 1481,  
N.E.2d . On motion for reconsideration. Motion denied.

95-54. State ex rel. Scott v. Wilkinson.  
In Mandamus. Reported at 71 Ohio St.3d 1475, N.E.2d . On  
motion for reconsideration. Motion denied.

95-66. State ex rel. Kefalos v. Upper Arlington.  
In Quo Warranto. Reported at 71 Ohio St.3d 1475, N.E.2d . On  
motion for reconsideration. Motion denied.

SUPREME COURT OF OHIO

COLUMBUS

SUPPLEMENTAL ANNOUNCEMENT

9:00 A.M.

WEDNESDAY  
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DISCRETIONARY APPEALS NOT ALLOWED

95-28. Cleveland City School Dist. Bd. of Edn. v. URS Co.  
Cuyahoga County, No. 64496. On motion for discretionary appeal.  
Motions denied.  
Moyer, C.J., Wright and F.E. Sweeney, JJ., dissent.