

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
July 19, 1995

MERIT DOCKET

93-1708. State v. Kinley.
Clark County. Appeal from the Court of Appeals for Clark County,
No. 2826. Judgment affirmed.
Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer and Cook,
JJ., concur.
Wright, J., concurs in judgment only.

94-686. State v. Heins.
Richland County. Appeal from the Court of Appeals for Richland
County, No. CA-1058. Judgment affirmed.
Moyer, C.J., Douglas, Wright, Resnick, F.E. Sweeney, Pfeifer
and Cook, JJ., concur.

94-747. State v. Calhoun.
Ashland County. Appeal from the Court of Appeals for Ashland
County, No. CA-1060. Judgment affirmed.
Moyer, C.J., Douglas, Wright, Resnick, F.E. Sweeney, Pfeifer
and Cook, JJ., concur.

94-1094. Sayre v. Hoelzle-Sayre.
Seneca County. Appeal from the Court of Appeals for Seneca County,
No. 13-93-32. Sua sponte, cause dismissed as having been
improvidently allowed.
Moyer, C.J., Douglas, Wright, F.E. Sweeney, Pfeifer and Cook,
JJ., concur.

Resnick, J., dissents.

94-1398. In re Adoption of Johnson.

Certified by the Court of Appeals for Miami County, No. 93-CA-22.

Judgment reversed and cause remanded.

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

Douglas, J., dissents.

94-2207. State v. Slagle.

Cuyahoga County. Appeal from the Court of Appeals for Cuyahoga County, No. 55759. Judgment affirmed.

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

94-2723. Dirksing v. Blue Chip Architectural Products, Inc.

Butler County. Appeal from the Court of Appeals for Butler County, No. CA93-08-156. Sua sponte, cause dismissed as having been improvidently allowed.

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

95-128. State ex rel. Morley v. Lordi.

In Mandamus. On motion for summary judgment. Writ granted.

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

95-829. State v. Ketchum.

Clark County, Nos. 94CA72 and 94CA73.

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

9:00 A.M.

WEDNESDAY
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MERIT DOCKET

95-972. State ex rel. Mayhew v. Holzapfel.
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.

95-995. State ex rel. Chadwick v. Pub. Emp. Retirement Sys. of Ohio.
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.

95-1015. Cook v. Cleveland Elec. Illum. Co.
Cuyahoga County, No. 67264. On review of order certifying a
conflict. The court determines that no conflict exists within the
meaning of S.Ct.Prac.R. IV(2)(B) and Whitelock v. Gilbane Bldg. Co.
(1993), 66 Ohio St.3d 594, 613 N.E.2d 1032. This cause is therefore
dismissed.

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

95-1022. State ex rel. Waybright v. Court of Appeals of Ohio,
Hamilton Cty.
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.

95-1027. Smith v. Zent.
On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

95-1071. State ex rel. Robinson v. Gerkin [Gerken].
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.

95-1112. Lochtefeld v. Russell.
In Habeas Corpus. Sua sponte, cause dismissed.

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

95-1178. State ex rel. Swenson v. Franklin Cty. Bd. of Elections.
In Mandamus. On answer of respondent, motion for leave to intervene
by Stephen C. Fitch with motion to dismiss attached pursuant to
Civ.R. 24(C). Sua sponte, cause dismissed.

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

95-1211. Barnebey v. Zschach.
In Habeas Corpus. Sua sponte, cause dismissed.

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

JJ., concur.

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

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

95-683. State v. Liebttag.

Stark County, No. CA-9365. Sua sponte, appeal treated as
discretionary appeal. Discretionary appeal not allowed and cause
dismissed.

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

95-685. State v. Oliver.

Cuyahoga County, No. 66646.

Pfeifer, J., dissents.

95-692. State v. Southall.

Stark County, No. CA-9445.

95-705. Akron v. Donnelly.

Summit County, No. 16821.

Resnick, J., dissents.

95-707. Pulliam v. Kollath.

Hamilton County, Nos. C-940155 and C-940952.

95-709. State v. Eberly.

Hamilton County, No. C-940406.

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

95-712. In re Adoption of Lassiter.

Clark County, No. 94CA38.

95-724. State v. Miller.

Allen County, No. 1-95-7.

95-726. State v. Dotson.

Franklin County, No. 94APA05-657.

95-734. Bower v. Bower.

Sandusky County, No. S-94-14.

Resnick, J., not participating.

95-735. Quamme v. Lancaster-Fairfield Community Hosp.

Fairfield County, No. 94CA33.

95-736. Williams v. Cent. Ohio Transit Auth.

Franklin County, No. 93AP-755.

95-737. State v. Howard.

Belmont County, No. 92-B-44.

95-739. Smith v. Westwinds Joint Venture.

Lorain County, No. 94CA005847.

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

95-746. Price v. Frantz.
Hamilton County, No. C-940404.
Wright, J., dissents.

95-748. State v. Darrington.
Cuyahoga County, No. 66968.

95-749. In re Soley.
Wood County, No. WD94041.

95-750. Soley v. Soley.
Lucas County, No. L-94-155.

95-751. State v. Dixon.
Lucas County, No. L-94-223.
Wright and Pfeifer, JJ., dissent.
Resnick, J., not participating.

95-755. State v. Walker.
Greene County, No. 94CA105.

95-761. Frazier v. Univ. of Cincinnati Med. Ctr.
Franklin County, No. 94API11-1619.
F.E. Sweeney and Pfeifer, JJ., dissent.

95-766. N. Olmsted v. Eliza Jennings, Inc.
Cuyahoga County, No. 66965. On discretionary appeal and
cross-appeal. Appeals denied.
Douglas, J., would grant the cross-appeal only.

95-770. Indep. Elec. Contrs. of Greater Cincinnati, Inc. v.
Hamilton Cty. Div. of Pub. Works.
Hamilton County, No. C-930640. On discretionary appeal and motion
for admission pro hac vice of Terry R. Yellig. Appeal and motion
denied.

95-773. Emery v. Emery.
Brown County, No. CA94-06-006.
Moyer, C.J., dissents.

95-777. Bishop v. Thomas Steel Strip Corp.
Trumbull County, No. 94-T-5078.
Wright and Cook, JJ., dissent.

95-778. State v. Guess.
Franklin County, No. 94APA09-1278.

95-781. In re Cook.
Union County, No. 14-95-9.

95-783. Universal Med. Sys., Inc. v. Duke.
Cuyahoga County, Nos. 66941 and 66974.

95-788. State v. Misch.
Lucas County, No. L-94-016.
Resnick, J., not participating.

95-790. Lynch v. Dial Finance Co. of Ohio No. 1, Inc.
Cuyahoga County, No. 67114.
Douglas, J., dissents.

95-800. State v. Roberts.
Cuyahoga County, No. 66692.

95-804. State v. Israfil.
Montgomery County, No. 14573.

95-807. State v. Abuhilwa.
Summit County, No. 16787.

95-808. State v. Corn.
Lorain County, No. 95CA006079.

95-810. Johnson v. United Dairy Farmers, Inc.
Hamilton County, No. C-940240.

95-812. State v. Bryant-Bey.
Lucas County, No. L-93-184.
Resnick, J., not participating.

95-817. State v. Jordan.
Clinton County, No. CA94-02-004.

95-818. Bundy v. Trimble.
Hamilton County, No. C-940201.
Douglas, J., dissents.

95-832. State v. Larsen.
Medina County, No. 2363-M.

95-848. State v. McConnell.
Cuyahoga County, No. 67126.

95-849. State v. Brown.
Cuyahoga County, No. 66976.

95-851. State v. Meek.
Lorain County, No. 95CA006051.

95-852. State v. Gray.
Cuyahoga County, No. 67574.

95-853. State v. Monzo.
Franklin County, No. 94APA06-867.

95-855. State v. Alexander.
Franklin County, No. 94APA04-593.

95-857. Leach-Hanna v. Vinion.
Wayne County, No. 2914.

95-862. State v. Kelly.
Montgomery County, No. 14537.

Douglas, J., dissents.

95-864. State v. Earhart.
Hamilton County, No. C-940455.

95-868. State v. Mills.
Hamilton County, No. C-930817.

95-871. Skinkle v. Wissel.
Hamilton County, No. C-940231.

95-875. Federated Mut. Ins. Co. v. Motorists Mut. Ins. Co.
Mercer County, No. 10-95-3.

95-878. State v. Frye.
Franklin County, No. 94APA09-1390.

95-883. In re Nelson.
Geauga County, No. 94-G-1847.

95-889. Kamen v. Horvath.
Cuyahoga County, No. 67043.
Resnick, J., dissents.

95-891. State v. Pairan.
Summit County, No. 16715.

95-893. Fetterolf v. Hoffmann-LaRoche.
Trumbull County, No. 94-T-5058.
Resnick and F.E. Sweeney, JJ., dissent.

95-904. State v. Hill.
Belmont County, No. 90-B-5.
Wright, J., dissents.

95-914. Leach-Hanna v. Altier.
Wayne County, No. 2915.

95-930. Fetterolf v. Hoffmann-LaRoche.
Trumbull County, No. 94-T-5061.
Resnick and F.E. Sweeney, JJ., dissent.

95-939. State v. Berry.
Cuyahoga County, No. 67108.
Resnick, J., dissents.

95-948. State v. Conklin.
Butler County, No. CA94-03-064.

95-961. State v. Skaggs.
Champaign County, No. 95CA02.

95-990. State v. Arbuckle.
Lorain County, No. 94CA005823.

95-1001. State v. O'Neal.
Hamilton County, No. C-940652.

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

MOTION DOCKET

94-726. Heiner v. Moretuzzo.
Summit County, No. 16312. On motion to file statement of additional
authorities. Motion denied.
Pfeifer, J., dissents.
Cook, J., not participating.

94-1245. Aronson v. Tracy.
Board of Tax Appeals, No. 92-H-467. Sua sponte, cause consolidated
with 94-1102, supra.

95-26. State v. Farley.
Montgomery County, No. 8576. On motion for leave to file delayed
appeal. Motion denied.
Pfeifer, J., dissents.

95-456. State v. Gadsden.
Stark County, No. CA-9555. On motion for leave to file delayed
appeal. Motion denied.
Moyer, C.J., Douglas and Pfeifer, JJ., dissent.

95-510. Meijer, Inc. v. Montgomery Cty. Bd. of Revision.
Board of Tax Appeals, Nos. 93-M-731, 93-M-732 and 93-M-733. On
motion for admission pro hac vice of Michael B. Shapiro. Motion
granted.

95-814. State v. Brown.
Hamilton County, No. C-930445. On motion for leave to file delayed
appeal of April 1, 1994 judgment. Motion denied.
Pfeifer, J., dissents.

95-1043. State ex rel. Harris v. Pub. Emp. Retirement Bd.
In Mandamus. On motion for leave to intervene. Motion granted.
On motion to dismiss. Sua sponte, alternative writ granted.
Douglas and Resnick, JJ., dissent and would grant the motion to
dismiss.

95-1062. State v. White.
Franklin County, No. 91AP-845. On motion for leave to file delayed
appeal. Motion denied.

95-1072. State v. Thomas.
Montgomery County, No. 14289. On motion for leave to file delayed
appeal. Motion denied.
Moyer, C.J., Douglas and Resnick, JJ., dissent.

95-1084. State v. Billings.
Cuyahoga County, No. 66829. On motion for leave to file delayed
appeal. Motion granted.
F.E. Sweeney and Cook, JJ., dissent.

95-1095. State v. Taylor.
Cuyahoga County, No. 62692. On motion for leave to file delayed

appeal. Motion denied.

94-1102. Schoenrade v. Tracy.
Board of Tax Appeals, No. 91-X-1365. Sua sponte, cause consolidated for oral argument and decision with 94-1245, infra.

95-1110. State v. Rash.
Stark County, No. 94CA223. On motion for leave to file delayed appeal. Motion granted.
Wright and F.E. Sweeney, JJ., dissent.

95-1119. State v. Tippman.
Allen County, No. CA940900069. On motion for leave to file delayed appeal. Motion denied.
Moyer, C.J., Douglas and Pfeifer, JJ., dissent.

95-1133. State v. Santiago.
Lorain County, No. 94CA005975. On motion for leave to file delayed appeal. Motion granted.
Wright, F.E. Sweeney and Cook, JJ., dissent.

95-1153. Potocnik v. Sifco Industries, Inc.
Cuyahoga County, No. 66668. On motion to consolidate with 95-944, Potocnik v. Sifco Industries, Inc., Cuyahoga App. No. 66668. Motion granted.
F.E. Sweeney, J., dissents.

95-1222. Byrnes v. LCI Communication Holdings Co.
Franklin County, Nos. 94APE09-1372 and 94APE09-1396. On motion for admission pro hac vice by Steven T. Catlett. Motion granted.

DISCRETIONARY APPEALS ALLOWED

95-730. Seven Hills v. Aryan Nations.
Cuyahoga County, No. 66754.
Resnick and F.E. Sweeney, JJ., dissent.

95-775. Dobbins v. Ohio Bur. of Motor Vehicles.
Summit County, No. 16514.
Resnick, F.E. Sweeney and Cook, JJ., dissent.

95-782. In re Estate of Cross.
Cuyahoga County, No. 66503. Discretionary appeal allowed; sua sponte, cause consolidated with 95-784, infra.
Wright and Cook, JJ., dissent.

95-784. Estate of Cross v. Cuyahoga Cty. Bd. of Commrs.
Cuyahoga County, No. 66503. Discretionary appeal allowed; sua sponte, cause consolidated with 95-782, supra.
Wright and Cook, JJ., dissent.

95-859. Dayton v. Erickson.
Montgomery County, No. 14712.
Wright, F.E. Sweeney and Cook, JJ., dissent.

DISCRETIONARY APPEALS NOT ALLOWED

95-688. Beard v. Ohio Dept. of Rehab. & Corr.
Franklin County, No. 94API05-673.

95-689. Steid v. Cuyahoga Falls.
Summit County, No. 16620. On discretionary appeal. Discretionary
appeal denied.

Pfeifer, J., dissents.

On discretionary cross-appeal. Discretionary cross-appeal
denied.

Pfeifer and Douglas, JJ., dissent.

95-701. Hampton v. Trimble.
Montgomery County, No. 14544.
Wright and Pfeifer, JJ., dissent.

95-703. Cutlip v. Economy Eng. Co.
Ashland County, No. CA-1090.

95-715. Seta v. Reading Rock, Inc.
Butler County, No. CA94-06-141.
Moyer, C.J., would allow on Proposition of Law No. II only.
Resnick, J., dissents.

95-719. Nine v. Nine.
Summit County, No. 16625. On discretionary appeal and
cross-appeal. Appeals denied.
Douglas, J., dissents.

95-728. Jones v. Franklin.
Warren County, No. CA94-08-074.
Douglas and Pfeifer, JJ., dissent.

95-729. Powers v. Meyers.
Hamilton County, No. C-930772. (Appeal by Canal Insurance Company;
second appeal by Viola Powers, Administrator.)
Wright, J., dissents.

95-733. Young v. Brookshire Village Properties.
Warren County, No. CA94-07-059.
Pfeifer, J., dissents.

95-752. Jerningham v. Lutheran Med. Ctr.
Cuyahoga County, No. 67680.

95-762. Wray v. Parsson.
Lorain County, No. 94CA005870.
Wright, J., dissents.

95-767. Heise v. Michael Orra, M.D., Inc.
Cuyahoga County, No. 66172.
Douglas, J., dissents.

95-780. O'Neill v. Showa Denko K.K.
Cuyahoga County, No. 66059.
Wright, J., dissents.

95-785. Textron Fin. Corp. v. Medina Ready-Mix, Inc.
Richland County, No. 94CA40.
Douglas, J., dissents.

95-789. Kanorr v. Camp Oil Co.
Shelby County, No. 17-94-29.
Resnick, J., not participating.

95-793. In re Estate of Umsted.
Franklin County, Nos. 94APF12-1727 and 94APF12-1824.

95-794. Szolosi, Fitch & Soltis v. Ohio Dept. of Transp.
Franklin County, No. 94API07-1045.
Moyer, C.J., Douglas and Wright, JJ., dissent.

95-802. Sulier v. Kroger Co.
Lucas County, No. L-94-179.
Resnick, J., not participating.

95-803. Paolucci v. Robinson Mem. Hosp.
Portage County, No. 94-P-0022.

95-805. Stafford v. Stafford.
Greene County, No. 94CA54.
Moyer, C.J., dissents.

95-811. Anderson v. Ruoff.
Franklin County, No. 94APE06-925.

95-819. Starks v. Starks.
Hamilton County, No. C-940023.

95-823. Olmsted Twp. Bd. of Trustees v. Berea.
Cuyahoga County, No. 67797. On discretionary appeal and
cross-appeal. Appeals denied.

95-826. Pierce v. Trimble.
Champaign County, No. 94CA21.
Wright, J., dissents.

95-828. State v. Bailey.
Lucas County, No. L-93-356.
Resnick, J., not participating.

95-833. Bd. of Park Commrs. v. E.B. Katz Co.
Cuyahoga County, No. 66982.
Moyer, C.J., and Wright, J., dissent.

95-836. State v. Parks.
Hamilton County, No. C-940620.

95-860. State v. Chandler.
Hamilton County, No. C-940166.
Wright, J., dissents.

95-870. Hardesty v. P.J. Bordner Co.

Stark County, Nos. 94CA00135 and 94CA00137.

Wright, J., dissents.

95-882. Hite v. Brown.

Cuyahoga County, No. 66964. On discretionary appeal and cross-appeal. Appeals denied.

Cook, J., dissents.

On motion to consolidate with 95-131, Estates of Morgan v. Fairfield Family Counseling Ctr., Fairfield App. No. 94CA11. Motion denied.

95-1013. Cook v. Cleveland Elec. Illum. Co.

Cuyahoga County, No. 67264.

RECONSIDERATION DOCKET

93-111. Williams v. O'Brien.

Montgomery County, No. 12344. Reported at 72 Ohio St.3d 288, N.E.2d . On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

95-388. Keller v. LTV Steel Co.

Stark County, No. 94CA0275. Reported at 72 Ohio St.3d 1528, N.E.2d . On motion for reconsideration. Motion granted and discretionary appeal allowed.

Resnick, F.E. Sweeney and Pfeifer, JJ., dissents.

95-401. State v. Worsencroft.

Franklin County, No. 94APA02-262. Reported at 72 Ohio St.3d 1528, N.E.2d . On motion for reconsideration. Motion denied.

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

95-406. Walter v. Bethesda Hosp., Inc.

Hamilton County, No. C-930545. Reported at 72 Ohio St.3d 1529, N.E.2d . On motion for reconsideration. Motion denied.

95-415. State v. Koch.

Erie County, No. E-94-24. Reported at 72 Ohio St.3d 1528, N.E.2d . On motion for reconsideration. Motion denied.

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

Resnick, J., not participating.

95-438. State v. Hamblin.

Cuyahoga County, No. 66556. Reported at 72 Ohio St.3d 1528, N.E.2d . On motion for reconsideration. Motion denied.

Wright and Pfeifer, JJ., dissent.

95-756. State ex rel. Cuttiford v. Hocking Correctional Facility, Records Office.

In Mandamus. Reported at 72 Ohio St.3d 1527, N.E.2d . On motion for reconsideration. Motion denied.