

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

1:00 P.M. WEDNESDAY
September 20, 1995

MERIT DOCKET

94-2682. Jones v. Grady.

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

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

95-577. State ex rel. Daily v. Swift.

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

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

95-1026. Sherrills v. Rogers.

In Habeas Corpus. Sua sponte, cause dismissed; this court shall not consider further petitions filed by petitioner; the Clerk of this court is directed not to file additional petitions by petitioner.

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

95-1075. State ex rel. Derrick v. Lazaroff.

In Habeas Corpus. Sua sponte, cause dismissed.

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

95-1174. State ex rel. Simpson v. Brigano.

In Habeas Corpus. Sua sponte, cause dismissed.

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

95-1287. State ex rel. Pollock v. Baker.

In Habeas Corpus. Sua sponte, cause dismissed.

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

95-1293. State ex rel. Johnson v. Ghee.
In Mandamus. Sua sponte, cause dismissed.

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

95-1308. Roberts v. Zent.
In Habeas Corpus. Sua sponte, cause dismissed.

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

95-1309. State ex rel. N. Assur. Co. of Am. v. Court of Appeals for Butler Cty.
In Mandamus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

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

95-1311. Perkins v. Zent.
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.

95-1314. State ex rel. Crase v. Spencer.
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.

95-1321. State ex rel. Cheren v. Court of Appeals, Ninth Judicial Dist.
In Mandamus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

Cook, J., not participating.

95-1323. Maragas v. Summit Cty. Health Dept.
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.

95-1351. State ex rel. Lovett v. Ghee.
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.

95-1376. State ex rel. Brown v. Ohio Adult Parole Auth.
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.

95-1390. State ex rel. Buoscio v. Seventh Judicial Dist. of Ohio Court of Appeals.

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.

95-1407. State ex rel. Pollock 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.

95-1413. State ex rel. Luster v. Lucas Cty. Court of Common Pleas.

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.

95-1438. Billups v. Collins.

In Habeas Corpus. Sua sponte, cause dismissed.

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

95-1455. Russell v. Eleventh Dist. Court of Appeals.

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.

95-1497. State ex rel. Reed v. State.

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.

95-1549. Guess v. Judges.

In Mandamus. On emergency complaint 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

95-461. State v. Mixon.

Hamilton County, Nos. C-930905 and C-930906.

95-908. State v. Mercer.

Butler County, No. CA94-06-133.

95-915. McGee v. Goodyear Atomic Corp.

Pike County, No. 94CA530.

95-926. State v. Kowalski.
Portage County, No. 93P0057.

95-933. State v. Topovski.
Wayne County, No. 2889.

95-943. State v. West.
Union County, No. 14-94-37.

95-949. Caba v. State Farm Auto. Ins. Co.
Lucas County, No. L-94-168.
Pfeifer, J., dissents.
Resnick, J., not participating.

95-968. Ransome v. Lampman.
Miami County, Nos. 94CA20 and 94CA21. On discretionary appeal and cross-appeal.
Appeals denied.
Douglas, J., dissents.

95-976. State v. Yeagley.
Wayne County, No. 2895.

95-980. Phillips v. Lahey.
Lucas County, No. L-94-153.
Resnick, J., not participating.

95-983. Schmidt v. Nosker.
Greene County, No. 94CA96.

95-989. Cincinnati v. Kromski.
Hamilton County, No. C-940373.

95-999. Stewart v. Farmers Ins. of Columbus, Inc.
Stark County, No. 94CA0303.

95-1004. Cleveland v. Fogos.
Cuyahoga County, No. 67266.

95-1005. State v. Yuko.
Ashtabula County, No. 94A0056.

95-1009. Socha v. Sawchyn.
Cuyahoga County, No. 67526.

95-1012. Hammock v. Trimble.
Summit County, No. 16838.

95-1018. State v. Harshaw.
Franklin County, No. 94APA07-1054.

95-1020. State v. Allen.
Richland County, No. 94CA51.

95-1023. State v. Bauer.
Ottawa County, No. OT95021.

Resnick, J., not participating.

95-1024. State v. Bauer.
Ottawa County, No. OT95022.

Resnick, J., not participating.

95-1025. C.D. Oldsmobile, Inc. v. Ohio Bur. of Motor Vehicles.
Allen County, No. 1-94-86.

95-1029. Sutton v. Mt. Sinai Med. Ctr.
Cuyahoga County, No. 67255.

95-1034. Hunter v. Harrison.
Cuyahoga County, No. 67287.

95-1035. State v. Andrews.
Cuyahoga County, No. 67370.

95-1039. Knueven v. Deere & Co.
Putnam County, No. 12-94-7.
Wright, Resnick and F.E. Sweeney, JJ., dissent.

95-1041. McKinney, Inc. v. Wyman Corp.
Cuyahoga County, No. 67102.

95-1044. Fallang v. Fallang.
Butler County, No. CA94-04-086.

95-1047. Siemer v. Resort Condominiums Internatl.
Ottawa County, No. OT95026.
Wright and Pfeifer, JJ., dissent.
Resnick, J., not participating.

95-1055. State v. Golston.
Cuyahoga County, No. 62857.

95-1059. State v. Dennis.
Defiance County, No. 4-94-10.

95-1061. State v. Leonard.
Lawrence County, No. 94CA22.

95-1064. State v. Thompson.
Cuyahoga County, No. 67048.

95-1065. State v. Zimmerman.
Mahoning County, No. 95 C.A. 64.

95-1073. Dayton v. Grey.
Montgomery County, No. 14558.

95-1078. State v. Capan.
Summit County, No. 16892.

95-1079. McClure v. McClure.
Greene County, No. 94CA82.

95-1080. Burton v. Russell.
Warren County, No. CA95-01-004.

95-1081. State v. Gilmore.
Cuyahoga County, No. 67575.
Wright, J., dissents.

95-1086. State v. Jenkins.
Cuyahoga County, No. 66925.

95-1087. State v. Santiago.
Cuyahoga County, No. 67562.

95-1089. State v. Richardson.
Hamilton County, No. C-940285.
Moyer, C.J., Douglas and Resnick, JJ., dissent.

95-1091. Klosterman v. Klosterman.
Hamilton County, No. C-940175.

95-1092. State v. Wheeler.
Hamilton County, No. C-940173.

95-1097. Columbia Gas Transm. Corp. v. Ohio Dept. of Transp.
Franklin County, No. 94APE10-1430.
Moyer, C.J., dissents.

95-1099. Workman v. Santiago.
Franklin County, No. 94APF08-1214.

95-1103. Kaforey v. Burge.
Summit County, No. 17050.

95-1104. State v. Tichon.
Summit County, No. 16653.

95-1106. State v. McEwen.
Lorain County, No. 93CA005767.

95-1107. Fant v. Chavers.
Franklin County, No. 95APE01-56.

95-1111. Brookville Air Park, Inc. v. Kuczak.
Montgomery County, No. 14662.

95-1113. State v. Cornwell.
Franklin County, No. 94APA08-1229.

95-1114. State v. May.
Hamilton County, No. C-940862.

95-1118. State v. McCray.
Medina County, Nos. 2346-M and 2361-M.
Wright, J., dissents.

95-1120. State v. Valentine.

Washington County, No. 94CA06.

95-1126. Kulow v. Crago.
Trumbull County, No. 94-T-5120.
F.E. Sweeney, J., dissents.

MOTION DOCKET

93-1416. State v. Williams.
Butler County, No. CA92-07-133. On amended motion for reconsideration under
S.Ct.Prac.R. XI(1)(B). Motion denied.

94-1156. Whitehall ex rel. Wolfe v. Ohio Civil Rights Comm.
Franklin County, No. 93APD12-1719. On request for oral argument. Request
denied.

94-2181. State ex rel. Linndale v. Teske.
In Mandamus. On request for oral argument. Request denied.

94-2511. Roberts v. United States Fid. & Guar. Co.
Erie County, No. E-93-35. On motion to strike. Motion denied.
F.E. Sweeney, J., dissents.
Wright, J., not participating.

95-269. Schaefer v. Allstate Ins. Co.
Franklin County, No. 94APE04-507. On motion to withdraw Jeanette Schaefer from
appeal. Motion granted.
Douglas, J., dissents.

95-301. Mauzy v. Kelly Serv., Inc.
Lake County, No. 94-L-029. On motion for admission pro hac vice of Cathy
Ventrell-Monsees by Patrick Perotti. Motion granted.

95-320. State ex rel. Stiller v. Columbiana Exempted Village School Dist. Bd.
of Edn.
Columbiana County, No. 94-C-13. On request for oral argument. Request denied.

95-510. Meijer, Inc. v. Montgomery Cty. Bd. of Revision.
Board of Tax Appeals, Nos. 93M731, 93M732 and 93M733. On joint motion for
mediation. Motion denied.
Pfeifer, J., dissents.

95-576. State ex rel. Brecksville Edn. Assn./OEA/NEA v. State Emp. Relations
Bd.
In Mandamus. On request for oral argument. Request denied.
Douglas and F.E. Sweeney, JJ., dissent.

95-742. State ex rel. Grissom v. Indus. Comm.
Franklin County, No. 94APD02-269. On motion to dismiss. Motion denied.

95-743. State ex rel. Eaton Corp. v. Indus. Comm.
Franklin County, No. 93APD10-1447. On motion to consolidate case with 95-1131,
State ex rel. Eaton Corp. v. Indus. Comm., Franklin County, No. 93APD10-1420.
Motion denied.

95-817. State v. Jordan.

Clinton County, No. CA94-02-004. On motion for reconsideration under S.Ct.Prac.R. XI(1)(B) filed pro se. Motion denied.

95-907. State v. Jones.

Cuyahoga County, No. 64774. On motion for leave to file delayed appeal. Motion denied.

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

95-1160. Shea v. BASF Corp.

Paulding County, No. 11-95-2. On motion for leave to file statement of additional authorities. Motion granted.

95-1215. Smith v. Smith.

Cuyahoga County, No. 67806. On motion to dismiss appeal of Timothy Johnson. Motion denied.

95-1226. Avon v. Tracy.

Lorain County, No. 94CA005983. On motion to expedite by city of Avon. Motion denied.

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

95-1380. State ex rel. Alben v. State Emp. Relations Bd.

In Mandamus. On answer of respondent. Sua sponte, alternative writ granted.

95-1400. In re Bunting Children.

Stark County, No. 94CA0264. On review of order certifying a conflict. The court determines that a conflict exists; sua sponte, cause held for the decision in 95-1213, In re Bunting Children, Stark County, No. 94CA0264; briefing schedule stayed.

95-1437. State v. Prowant.

Lorain County, No. 92CA005394. On motion for leave to file delayed appeal. Motion denied.

Cook, J., not participating.

95-1452. State v. Totarella.

Cuyahoga County, No. 67968. On motion for leave to file delayed appeal. Motion denied.

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

95-1477. State v. Higgins.

Cuyahoga County, No. 64986. On motion for leave to file delayed appeal. Motion denied.

Wright, J., dissents.

95-1499. State v. Corethers.

Cuyahoga County, No. 67510. On motion for leave to file delayed appeal. Motion denied.

Douglas and Resnick, JJ., dissent.

95-1504. State v. Scott.

Cuyahoga County, No. 66846. On motion to expedite appeal and on motion for release pending appeal. Motions denied.

On motion for leave to file delayed appeal. Motion denied.

Resnick and Pfeifer, JJ., dissent.

95-1517. State v. Woody.
Stark County, No. CA-9390. On motion for leave to file delayed appeal. Motion denied.

95-1521. Scarpelli v. Put-In-Bay.
Ottawa County, No. OT94037. 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.

95-1527. State v. Arnold.
Franklin County, Nos. 94APA10-1437 and 94APA10-1438. On motion for leave to file delayed appeal. Motion granted.
Resnick and F.E. Sweeney, JJ., dissent.
Cook, J., not participating.

95-1532. State v. Gaskins.
Seneca County, No. 13-94-34. On motion for leave to file delayed appeal. Motion denied.
Moyer, C.J., dissents.

95-1546. State v. Barr.
Madison County, No. CA94-06-025. On motion for leave to file delayed appeal. Motion granted.
Wright, F.E. Sweeney and Pfeifer, JJ., dissent.

95-1561. State v. Jones.
Trumbull County, No. 94-T-5021. On motion for leave to file delayed appeal. Motion denied.
Moyer, C.J., dissents.

95-1585. State v. Alford.
Seneca County, Nos. 13-94-43 and 13-94-44. On motion for leave to file delayed appeal. Motion denied.
Moyer, C.J., and Resnick, JJ., dissent.

95-1595. State v. Litman.
Butler County, No. CA94-01-006. On motion for leave to file delayed appeal. Motion denied.
Moyer, C.J., and Resnick, J., dissent.

DISCRETIONARY APPEALS ALLOWED

95-967. Young v. Ohio Dept. of Human Serv.
Allen County, No. 1-94-48.
Resnick and Pfeifer, JJ., dissent.

95-970. Chance v. BP Chem., Inc.
Cuyahoga County, Nos. 66622 and 66645. (Appeal by Rose M. Chance et al.; second appeal by Virginia Rauch.)
Wright and Cook, JJ., dissent.

95-1042. Roberts v. Ohio Permanente Med. Group, Inc.
Summit County, No. 16913.
Moyer, C.J., Wright and Cook, JJ., dissent.

95-1526. In re Farrar.
Guernsey County, No. 94CA20. On motion to consolidate with 95-941 and 95-942,
In re Young Children, Stark County, No. 94CA0198, and 95-511, In re Kell, Stark
County, No. 94CA0107. Motion granted except as to 95-511, in which the
discretionary appeal was denied on June 14, 1995; sua sponte, discretionary
appeal allowed in 95-1526.

Pfeifer and Cook, JJ., dissent.

DISCRETIONARY APPEALS NOT ALLOWED

95-673. State v. White.
Hamilton County, No. C-930711.

95-858. Grand Trunk W. RR. v. Cothorn.
Lucas County, No. L-93-112. On discretionary appeal and cross-appeal. Appeals
denied.

Wright, J., dissents.

Resnick, J., not participating.

95-909. Bowling Green State Univ. v. Wyandot Constr., Inc.
Wood County, No. WD9465.
Douglas, J., would allow on Proposition of Law No. II only.

95-920. Treciak v. Ohio Dept. of Commerce.
Licking County, No. CA00085. On discretionary appeal and cross-appeal. Appeals
denied.

Wright, J., dissents.

95-923. Hawkins v. Maranatha Exploration, Inc.
Holmes County, No. 94CA511.

95-944 and 95-1153. Potocnik v. Sifco Industries, Inc.
Cuyahoga County, No. 66668.

95-969. Sharp v. Sharp.
Franklin County, No. 94APF08-1152.

95-973. Cellwave, Inc. v. McCoy.
Franklin County, No. 94APG07-1093.
Wright, J., dissents.

95-977. Jones v. Graneto.
Mahoning County, No. 93 C.A. 94.

95-981. State ex rel. Horvath v. State Teachers Retirement Bd.
Franklin County, No. 94APE07-988.

95-985. Empire Gas Corp. v. Westerville City School Dist. Bd. of Edn.
Franklin County, No. 94APE07-965.
Moyer, C.J., dissents.

95-987. State v. Roberts.
Medina County, No. 2342-M.
Pfeifer, J., dissents.

95-991. Cannell v. Taylor Rental Ctr., Inc.
Mahoning County, No. 94 C.A. 1.

95-1007. Am. Select Ins. Co. v. Payne.
Cuyahoga County, No. 67051.
Wright, J., dissents.

95-1008. Simoni v. Simoni.
Cuyahoga County, No. 66995.
Resnick and Cook, JJ., dissent.

95-1010. State v. Arnaud.
Belmont County, No. 92-B-31.

95-1014. Staskey v. Staskey.
Jefferson County, No. 93-J-5.

95-1016. Prudential Ins. Co. of Am. v. Corporate Circle, Ltd.
Cuyahoga County, No. 67368.
Moyer, C.J., and F.E. Sweeney, J., dissent.

95-1031. Chester Twp. v. Fraternal Order of Police, Ohio Labor Council, Inc.
Geauga County, No. 94-G-1866.

95-1032. State v. Paratore.
Summit County, No. 16891.
Wright and Cook, JJ., not participating.

95-1036. Pridemore v. Dula.
Butler County, Nos. CA94-02-043 and CA94-06-139.
Moyer, C.J., and Wright, J., dissent.

95-1038. Kohn v. United Steel Serv., Inc.
Trumbull County, No. 94-T-5114.

95-1040. Weaver Workshop & Support Assn. v. Summit Cty. Bd. of Mental
Retardation & Dev. Disabilities.
Summit County, No. 16983.
Wright, Resnick and F.E. Sweeney, JJ., dissent.

95-1053. Parker v. CSX Transp., Inc.
Hamilton County, No. C-940362.

95-1056. State v. Reed.
Hamilton County, No. C-940667.

95-1057. Reichardt v. Designed Metal Products Co.
Richland County, No. 94CA65.

95-1067. Marino v. Scolnick.
Cuyahoga County, No. 67495.
Resnick and F.E. Sweeney, JJ., dissent.

95-1070. Reese v. Euclid Cleaning Contrs., Inc.
Cuyahoga County, No. 67467.

Douglas and Wright, JJ., dissent.

95-1074. Knief v. Minnich.
Logan County, Nos. 8-94-20 and 8-94-21.

95-1083. Paul v. Moore.
Clermont County, No. CA94-09-069.

95-1085. Thomas v. Garrett.
Cuyahoga County, No. 67875.
Pfeifer, J., dissents.

95-1093. Garver v. Garver.
Wayne County, No. 2898.

95-1102. Scioto Cty. Regional Water Dist. No. 1 v. Scioto Water, Inc.
Franklin County, Nos. 94APH09-1290 and 94APH09-1291.
Moyer, C.J., dissents.

95-1105. Avondale Community Council v. Zoological Soc. of Cincinnati.
Hamilton County, No. C-930931.

95-1115. Stadelman-Wells v. Wells.
Franklin County, No. 94APF09-1361.
Moyer, C.J., and Pfeifer, J., dissent.

95-1116. Nagy v. Squibb Corp.
Lorain County, No. 94CA005898.
Resnick, J., dissents.

95-1117. State v. Wilson.
Summit County, No. 16758.
Moyer, C.J., F.E. Sweeney and Pfeifer, JJ., dissent.

95-1124. State v. Harrier.
Morgan County, No. CA-948.

95-1125. Lacy v. Turner.
Scioto County, No. 94CA2314.

RECONSIDERATION DOCKET

93-1708. State v. Kinley.
Clark County, No. 2826. Reported at 72 Ohio St.3d 491, ___ N.E.2d ___. On
motion for reconsideration. Motion denied.
On motion for stay. Motion denied.
Moyer, C.J., Wright and F.E. Sweeney, JJ., dissent.

93-2495. Baum v. Ohio State Hwy. Patrol.
Franklin County, No. 93AP-68. Reported at 72 Ohio St.3d 469, ___ N.E.2d ___.
On motion for reconsideration. Motion denied.
Pfeifer, J., dissents.

94-523. State v. Kirk.
Franklin County, No. 93AP-925. Reported at 72 Ohio St.3d 564, ___ N.E.2d ___.
On motion for reconsideration. Motion denied.

94-767. Am. Seaway Foods, Inc. v. Belden S. Assoc. L.P.
Stark County, No. CA-9260. Reported at 72 Ohio St.3d 514, ___ N.E.2d ___. On
motion for reconsideration. Motion denied.

Douglas and Wright, JJ., dissent.

94-1046. Ohio State Chiropractic Assn. v. Ohio Bur. of Workers' Comp.
Franklin County, No. 93AP-866. Reported at 72 Ohio St.3d 485, ___ N.E.2d ___.
On motion for reconsideration. Motion denied.

Wright and Cook, JJ., dissent.

94-1307. Endres Floral Co. v. Endres.
Tuscarawas County, No. 93AP080056. Reported at 72 Ohio St.3d 526, ___ N.E.2d
___. On motion for reconsideration. Motion denied.

Resnick, J., dissents.

94-1662. In re Contested Election of November 2, 1993.
Lorain County, No. 93CV111527. Reported at 72 Ohio St.3d 411, ___ N.E.2d ___.
On motion for reconsideration. Motion denied.

94-2494. State v. Dougherty.
Hancock County, No. 5-94-2. Reported at 73 Ohio St.3d 1417, ___ N.E.2d ___. On
motion for reconsideration. Motion denied.

Resnick, J., not participating.

95-734. Bower v. Bower.
Sandusky County, No. S-94-14. Reported at 73 Ohio St.3d 1410, ___ N.E.2d ___.
On motion for reconsideration. Motion denied.

Resnick, J., not participating.

95-736. Williams v. Cent. Ohio Transit Auth.
Franklin County, No. 93AP-755. Reported at 73 Ohio St.3d 1410, ___ N.E.2d ___.
On motion for reconsideration. Motion denied.

95-762. Wray v. Parsson.
Lorain County, No. 94CA005870. Reported at 73 Ohio St.3d 1413, ___ N.E.2d ___.
On motion for reconsideration. Motion denied.

95-777. Bishop v. Thomas Steel Strip Corp.
Trumbull County, No. 94-T-5078. Reported at 73 Ohio St.3d 1410, ___ N.E.2d ___.
On motion for reconsideration. Motion denied.

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

95-778. State v. Guess.
Franklin County, No. 94APA09-1278. Reported at 73 Ohio St.3d 1410, ___ N.E.2d
___. On motion for reconsideration and on motion to remand. Motions denied.

95-788. State v. Misch.
Lucas County, No. L-94-016. Reported at 73 Ohio St.3d 1410, ___ N.E.2d ___. On
motion for reconsideration. Motion denied.

Resnick, J., not participating.

95-868. State v. Mills.
Hamilton County, No. C-930817. Reported at 73 Ohio St.3d 1411, ___ N.E.2d ___.
On motion for reconsideration. Motion denied.

95-875. Federated Mut. Ins. Co. v. Motorists Mut. Ins. Co.

Mercer County, No. 10-95-3. Reported at 73 Ohio St.3d 1411, ____ N.E.2d _____. On motion for reconsideration. Motion denied.

95-1027. Smith v. Zent.

Reported at 73 Ohio St.3d 1409, ____ N.E.2d _____. On motion for reconsideration. Motion denied.

95-1187. State ex rel. Sibley v. Spicer.

In Mandamus. Reported at 73 Ohio St.3d 1423, ____ N.E.2d _____. On motion for reconsideration. Motion denied.