

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

9:00 A.M. WEDNESDAY  
November 22, 1995

MERIT DOCKET

95-1941. State ex rel. Kilpatrick v. Ingraham.

In Prohibition. On amended complaint and motion for stay. Sua sponte, leave to file the amended complaint is granted, and the amended complaint is dismissed. Motion for stay denied.

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

95-1958. State ex rel. Hillside Dairy Co. v. Cuyahoga Cty. Court of Common Pleas.

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.

95-2086. Washington v. Hamilton Cty.

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.

95-2087. State ex rel. Welstead v. State.

In Mandamus. Sua sponte, cause dismissed.

Douglas, Wright, Resnick and Cook, JJ., concur.

Moyer, C.J., F.E. Sweeney and Pfeifer, JJ., dissent and would grant an alternative writ.

95-2100. State ex rel. Minkner 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, JJ., concur.

95-2105. State ex rel. White v. Franklin Cty. Jail.

In Mandamus. Sua sponte, cause dismissed.

Douglas, Wright, Resnick, Pfeifer and Cook, JJ., concur.

Moyer, C.J., and F.E. Sweeney, J., dissent and would grant an alternative writ.

95-2175. In re Guardianship of Maurer.  
Wood County, No. WD94070. On review of order certifying a conflict. Cause dismissed for failure to comply with S.Ct.Prac.R. IV(2)(A).

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

Wright, J., dissents.

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

95-1352. State v. Williams.  
Summit County, No. 16943.

95-1565. State v. Engle.  
Greene County, No. 94CA43.

95-1579. State v. Jackson.  
Cuyahoga County, Nos. 67025, 67876 and 68085.

95-1581. State v. Jenkins.  
Hamilton County, No. C-940840.  
Moyer, C.J., and Douglas, J., dissent.

95-1594. State ex rel. Boettcher v. Ohio State Univ. Bd. of Trustees.  
Franklin County, No. 94APE12-1769.

95-1596. State v. Traylor.  
Summit County, No. 16989.

95-1597. Palmer v. Crans.  
Mahoning County, No. 93 C.A. 64.  
Moyer, C.J., dissents.

95-1602. State v. Haley.  
Greene County, Nos. 94CA108, 94CA109 and 94CA89.

95-1606. State v. James.  
Union County, No. 14-94-45.

95-1615. McCartney Food Market, Inc. v. Ohio Liquor Control Comm.  
Franklin County, No. 94APE10-1576.

95-1623. State v. Smith.  
Franklin County, No. 94APA12-1702.

95-1624. Mills v. Cleveland.  
Cuyahoga County, No. 67665.  
Moyer, C.J., dissents and would hold this cause for the decision in 94-1389, Kendrick v. Cleveland Metrtparks Bd. of Commrs., Cuyahoga County, Nos. 65388 and 65525.  
Pfeifer, J., dissents.  
Cook, J., not participating.

95-1626. State v. Bradley.  
Cuyahoga County, Nos. 67430 and 67438.

95-1645. Columbus v. Bunton.  
Franklin County, No. 94APC12-1761.  
Wright, J., dissents.

95-1646. Mahoney v. Robert Thomas Securities, Inc.  
Cuyahoga County, No. 67881.

95-1650. Fitch v. Fitch.  
Licking County, No. 94CA105.

95-1651. Aurora v. Sea Lakes, Inc.  
Portage County, No. 94-P-0035.  
Pfeifer, J., would allow on Proposition of Law No. I only.

95-1652. State v. Watkins.  
Greene County, No. 94CA114.

95-1656. Cheren v. Troutman.  
Summit County, No. 16969.  
Cook, J., dissents.

95-1671. State v. Rose.  
Montgomery County, No. 14502.

95-1682. Goering v. Devon, Inc.  
Hamilton County, No. C-940530.

95-1692. Nicewicz v. Nicewicz.  
Franklin County, No. 94APF06-956.

95-1694. Ratchford v. Proprietors' Ins. Co.  
Franklin County, No. 94APE07-1078.

95-1696. State v. Davis.  
Lorain County, Nos. 94CA005964 and 94CA005970.  
Moyer, C.J., dissents.

95-1698. State v. Griffin.  
Summit County, No. 17028.

95-1702. State v. Laury.  
Hamilton County, No. C-940745.

95-1703. Nehls v. Quad K Advertising.  
Cuyahoga County, No. 67358.  
Moyer, C.J., Wright and Pfeifer, JJ., dissent.

95-1712. Cleveland v. Shields.  
Cuyahoga County, No. 67168.

95-1725. State v. Singerman.  
Montgomery County, No. 14497.

95-1729. State v. Bishop.  
Summit County, No. 16988.

95-1753. State v. Harris.  
Cuyahoga County, No. 66648.

95-1761. Tobler v. Hannon.  
Warren County, No. CA94-10-083.

95-1798. State v. Walker.  
Hamilton County, No. C-940900.  
Moyer, C.J., dissents.

95-1816. State v. Perkins.  
Cuyahoga County, No. 67802.

95-1878. State v. Mooney.  
Lorain County, No. 94CA005860.

#### MOTION DOCKET

88-1852. State v. Brewer.  
Greene County, No. 87CA67. On motion to set execution date. Motion granted.  
Resnick, J., would also set June 15, 1996 as the date.  
Wright, F.E. Sweeney and Cook, JJ., dissent.

94-108. State ex rel. Howard v. Ferreri.  
In Mandamus. On response to show cause order. Respondent is found not to be in contempt.  
Moyer, C.J., and Pfeifer, J., dissent.

94-2739. State v. Gersin.  
Lake County, No. 93-L-025. On motion to withdraw as counsel. Motion to withdraw only granted.

95-1177. Burris v. Tracy.  
Board of Tax Appeals, No. 94-K-227. On request for argument before full court. Motion granted.  
Cook, J., dissents.

95-1880. State v. McClain.  
Vinton County, No. 482. On motion for leave to file delayed appeal. Motion denied.  
Wright and Pfeifer, JJ., dissent.

95-1949. Haller v. Borrer.  
Franklin County, No. 95APE01-16. On motion to disqualify Supreme Court Justices, filed pro se. Sua sponte, motion stricken.  
Wright, J., would deny the motion.

#### DISCRETIONARY APPEALS ALLOWED

95-1600. Morey v. Cincinnati Ins. Co.  
Warren County, No. CA94-08-075. Sua sponte, cause held for the decision in 94-2765, Girgis v. State Farm Mut. Auto. Ins. Co., Cuyahoga County, No. 66970; briefing schedule stayed.  
Resnick and F.E. Sweeney, JJ., dissent.

95-1627. In re Estate of Hegel.  
Warren County, No. CA94-12-103.  
Douglas, F.E. Sweeney and Cook, JJ., dissent.

95-1675. Pangle v. Joyce.  
Van Wert County, No. 15-94-5.  
Moyer, C.J., Wright and Cook, JJ., dissent.

95-1708. State v. Triplett.  
Cuyahoga County, No. 67450.  
Wright, Pfeifer and Cook, JJ., dissent.

DISCRETIONARY APPEALS NOT ALLOWED

95-1569. Thompson v. Thompson.  
Portage County, No. 94-P-0068.

95-1574. Auger v. Auger.  
Butler County, No. CA94-11-198.  
Resnick, J., dissents.

95-1634. DiRando v. Toledo.  
Lucas County, No. L-94-312.  
Douglas and Wright, JJ., dissent.  
Resnick, J., not participating.

95-1638. Munz v. Niskanen.  
Portage County, No. 94-P-0082.

95-1640. Connole v. Cleveland City School Dist. Bd. of Edn.  
Cuyahoga County, No. 67647.  
Wright, J., dissents.

95-1643. Rowe v. Franklin.  
Hamilton County, Nos. C-930522 and C-940358.  
Moyer, C.J., and Resnick, J., dissent.

95-1644. Tarachiu v. Tarachiu.  
Cuyahoga County, No. 67557.  
Resnick, J., dissents.

95-1653. New Hampshire Ins. Group v. Frost.  
Cuyahoga County, No. 67823.  
Douglas and Pfeifer, JJ., dissent.

95-1654. Wright v. Grange Mut. Cas. Co.  
Coshocton County, No. 94CA18.  
Pfeifer, J., dissents.

95-1659. Patchett v. State Farm Ins. Co.  
Lucas County, No. L-94-318.  
Resnick, J., not participating.

95-1663. Reeser v. Weaver Bros., Inc.  
Darke County, No. 1359.

95-1676. Hansen v. United Ohio Ins. Co.  
Ottawa County, No. OT-95-005.  
Resnick, J., not participating.

95-1677. Commercial Union Ins. Co. v. Wheeling Pittsburgh Corp.  
Miami County, No. 94CA44.

95-1678. Townsend v. Trimble.  
Hamilton County, No. C-940744.

95-1680. Dailey v. State Farm Mut. Auto. Ins. Co.  
Montgomery County, No. 14732. Discretionary appeal and cross-appeal not  
allowed.  
Resnick, J., dissents.

95-1693. Schrock v. D & N Dev., Inc.  
Tuscarawas County, No. 94AP080057.

95-1711. Drage v. Santa Fe Pacific Corp.  
Cuyahoga County, No. 67966.  
Douglas and F.E. Sweeney, JJ., dissent.

95-1733. Riddel v. Layman.  
Licking County, No. 94CA114.  
Moyer, C.J., Pfeifer and Cook, JJ., dissent.

95-1735. Elam v. Kroger Co.  
Hamilton County, No. C-940692.

95-1758. Zanter v. Herrick.  
Lucas County, No. L-94-324.  
Wright and F.E. Sweeney, JJ., dissent.  
Resnick, J., not participating.

95-1820. Castle v. Seelig.  
Huron County, No. H-94-047.

#### RECONSIDERATION DOCKET

95-1294. State v. Patton.  
Summit County, Nos. 16475 and 16634. Reported at 74 Ohio St.3d 1417, \_\_\_ N.E.2d  
\_\_\_. On motion for reconsideration. Motion denied.

95-1345. Owens v. Coleman.  
Lucas County, No. L-94-270. Reported at 74 Ohio St.3d 1417, \_\_\_ N.E.2d \_\_\_. On  
motion for reconsideration. Motion denied.  
Douglas, J., dissents.  
Resnick, J., not participating.

95-1353. Bldg. Industry Assn. of Cleveland v. Westlake.  
Cuyahoga County, No. 67205. Reported at 74 Ohio St.3d 1417, \_\_\_ N.E.2d \_\_\_. On  
motion for reconsideration. Motion denied.  
Moyer, C.J., Douglas and Wright, JJ., dissent.

95-1384. Lemley v. Stevenson.  
Erie County, No. E-94-40. Reported at 74 Ohio St.3d 1417, \_\_\_ N.E.2d \_\_\_. On  
motion for reconsideration. Motion denied.

Moyer, C.J., and Pfeifer, J., dissent.  
Resnick, J., not participating.

95-1387. Johnson v. Burgins.  
Summit County, No. 16869. Reported at 74 Ohio St.3d 1417, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

95-1439. Lucas v. Gee.  
Franklin County, No. 94APE09-1343. Reported at 74 Ohio St.3d 1418, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

95-1474. State v. Robinson.  
Hamilton County, Nos. C-940526 and C-940527. Reported at 74 Ohio St.3d 1418, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.  
Moyer, C.J., dissents.

95-1483. Allison v. Hadley.  
Franklin County, No. 94APE10-1551. Reported at 74 Ohio St.3d 1422, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.  
Douglas and Resnick, JJ., dissent.

95-1486. Baker v. Hadley.  
Franklin County, Nos. 94APE10-1550 and 94APE10-1552. Reported at 74 Ohio St.3d 1422, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.  
Douglas and Pfeifer, JJ., dissent.

95-1494. McPhillips v. Cleveland Bd. of Zoning Appeals.  
Cuyahoga County, No. 67314. Reported at 74 Ohio St.3d 1418, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.  
Pfeifer, J., dissents.

95-1573. Garnett v. Pub. Storage.  
Cuyahoga County, No. 67458. Reported at 74 Ohio St.3d 1418, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

95-1728. State v. Algarin.  
Erie County, No. E-94-029. Reported at 74 Ohio St.3d 1411, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.  
Resnick, J., not participating.

95-2065. State ex rel. Cossett v. Executive State Governors Federalism Summit.  
In Mandamus. Reported at 74 Ohio St.3d 1416, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.