

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

1:00 P.M. FRIDAY
December 20, 1996

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

96-1793. Middletown v. Roberds.
Butler App. No. CA96-01-005.

96-1797. State v. Aeh.
Franklin App. No. 95APA11-1449.
Stratton, J., dissents.

96-1798. State v. Lipkins.
Lucas App. No. L-95-133.

96-1799. State v. Manley.
Columbiana App. No. 95C054.
Stratton, J., dissents.

96-1801. Balson v. Ohio State Univ.
Franklin App. No. 95API10-1345.
Stratton, J., dissents.

96-1802. State v. Wolfe.
Gallia App. No. 95CA04.

96-1806. State v. Velez.
Defiance App. No. 4-95-13.
Pfeifer, J., dissents.

96-1807. Ullmann v. Ohio Bur. of Emp. Serv.
Franklin App. No. 96APE01-79.

96-1811. State v. Shirley.
Hamilton App. Nos. C-950406 and C-950444.

96-1813. State v. Blair.
Jefferson App. No. 95JE8.

96-1820. State v. Smith.
Hamilton App. No. C-950692.
Stratton, J., not participating.

96-1823. Maffett v. Moyer's Auto Wrecking, Inc.
Crawford App. No. 3-96-5.

96-1824. State v. Johnson.
Hamilton App. No. C-950421.

96-1826. Blasius v. Cuyahoga Cty. Commrs.
Cuyahoga App. No. 70214.

96-1827. Owens v. Taco Bell Corp.
Lake App. No. 95-L-180.

96-1829. State v. Sheets.
Highland App. Nos. 95CA878 and 95CA880.

96-1830. McBroom v. Franklin Cty. Bd. of Elections.
Franklin App. No. 96APE01-53.

96-1833. Smith v. O'Daugherty.
Hamilton App. No. C-950187.
Stratton, J., not participating.

96-1835. State v. Barnes.
Ashland App. No. 1136.

96-1840. State v. Cornell.
Cuyahoga App. No. 69869.

96-1841. State v. Guess.
Hocking App. No. 96CA20.

96-1842. State v. Tribble.
Montgomery App. No. 15637.

96-1843. State v. Johnson.
Cuyahoga App. No. 68701.

96-1845. State v. Lake.
Franklin App. Nos. 95APA08-1042 and 95APA11-1421.

96-1851. Valley View v. Terlop.
Cuyahoga App. No. 69464.

96-1853. State v. Johnson.
Franklin App. No. 96APA02-191.

96-1854. State v. Dix.
Cuyahoga App. No. 70528.

96-1857. State v. Thomas.
Butler App. No. CA96-03-062.

96-1860. Trubee v. Ohio Expositions Comm.
Franklin App. No. 95APE12-1572.
Douglas, J., dissents.

96-1861. Kniskern v. Somerford Twp.
Franklin App. Nos. 95API09-1164 and 95API09-1169.
Douglas and Resnick, JJ., dissent.

96-1862. State v. Chesney.
Columbiana App. No. 95C07.

96-1863. In re Israel D.
Sandusky App. No. S-95-024.

96-1864. State v. Miller.
Cuyahoga App. No. 69309.

96-1865. State v. West.
Butler App. No. CA95-11-196.

96-1869. State v. Larry.
Franklin App. No. 95APA11-1418.

96-1870. Coloutes v. Coloutes.
Mahoning App. No. 95 C.A. 83.
Douglas, J., dissents.

96-1872. Goettenmoeller v. Meridian Mut. Ins. Co.
Franklin App. No. 95APE11-1553.
Moyer, C.J., dissents.
Stratton, J., not participating.

96-1873. State v. Stamps.
Hamilton App. No. C-950276.

96-1878. State v. Burnson.
Hamilton App. No. C-950764.

96-1879. State v. Hart.
Hamilton App. No. C-950610.

96-1881. State v. Kitchen.
Cuyahoga App. No. 69430.

96-1883. Wauseon v. Plassman.
Fulton App. No. F-95-022.
Resnick, J., not participating.

96-1885. State v. Brown.
Cuyahoga App. No. 69149.

96-1887. State v. Jones.
Cuyahoga App. No. 68929.
Stratton, J., dissents.

96-1890. State v. Hawkins.
Hamilton App. No. C-950130.
Moyer, C.J., and Pfeifer, J., dissent.
Stratton, J., not participating.

96-1891. State v. Rittenhour.
Crawford App. No. 3-95-27.
Pfeifer, J., dissents.

96-1892. N. Ridgeville v. Reichbaum.
Lorain App. No. 95CA006105.

96-1893. Warman v. Dunwoodie.
Montgomery App. No. 15581.
Douglas, J., dissents.

96-1903. State v. Walker.
Hamilton App. No. C-950403.
Stratton, J., not participating.

96-1906. Gosink v. Hamm.
Hamilton App. No. C-950563.
Moyer, C.J., dissents.
Stratton, J., not participating.

96-1907. Harbor Constr. Co. v. Watson.
Lake App. No. 95-L-207.

96-1910. State v. Frye.
Hamilton App. No. C-960435.

96-1912. State v. Phillips.
Montgomery App. No. 15942.

96-1916. In re Forfeiture of Certain Real Property by Action in Rem.
Trumbull App. No. 94-T-5039.

96-1917. Nwabara v. Willacy.
Cuyahoga App. No. 69786.
Pfeifer, J., dissents.

96-1918. Hamilton v. Fairfield Twp.
Butler App. Nos. CA95-05-085, CA95-05-088 and CA95-09-148. Discretionary
appeal, and discretionary cross-appeal by James P. Ebbing and James R. Samples
denied.
Moyer, C.J., Douglas and Stratton, JJ., dissent.

96-1919. State v. Owens.
Lake App. No. 95-L-078.

96-1920. State v. Allen.
Stark App. No. 1995CA00307.

96-1921. Folino v. Brown.
Montgomery App. No. 15619.

96-1927. State v. Finowski.
Summit App. No. 17481.
Pfeifer, J., dissents.

96-1930. State v. Fowler.

Tuscarawas App. No. 95AP040029.

96-1932. State v. Seshote.
Franklin App. No. 96APA06-739.

96-1934. State v. Hart.
Butler App. No. CA95-11-187.

96-1938. State v. Bell.
Marion App. No. 9-95-25.
Moyer, C.J., dissents.

96-1939. Fifth Street Realty v. Ina.
Lorain App. No. 95CA006245.
Cook, J., not participating.

96-1940. State v. Hollis.
Cuyahoga App. No. 69201.

96-1944. Kayser v. Lorain Cty. Bd. of Elections.
Lorain App. No. 95CA006308.

96-1946. State v. Black.
Hamilton App. No. C-960486.

96-1947. State v. Swain.
Erie App. No. E-95-011.
Resnick, J., not participating.

96-1952. State v. Holbrook.
Cuyahoga App. Nos. 69272, 69273, 69274, 69275, 69276, 69277 and 69278.

96-1958. State v. Jefferies.
Hamilton App. No. C-960066.
Stratton, J., not participating.

96-1960. State v. Friedhof.
Medina App. No. 2505-M.

96-1963. Gilpin v. Smith.
Clermont App. No. CA95-10-077.
Moyer, C.J., Pfeifer and Stratton, JJ., dissent.

96-1969. State v. Spak.
Portage App. No. 95-P-0092.

96-1975. Coble v. Dannaher.
Franklin App. No. 96APE02-203.

96-1978. State v. Wright.
Cuyahoga App. No. 69386.

96-1984. State v. Sowards.
Scioto App. No. 90CA1923.
Moyer, C.J., dissents.

96-1988. State v. Hopfer.
Montgomery App. No. 15345.
Moyer, C.J., and Pfeifer, J., dissent.

96-1989. McCubbin v. Michigan Ladder Co.
Hamilton App. No. C-950341.
Moyer, C.J., dissents.

96-2001. State v. Lambert.
Montgomery App. No. 15474.

96-2002. State v. Shie.
Wayne App. No. 96CA0053.

96-2003. State v. Carter.
Paulding App. No. 11-96-06.

96-2010. Wilson v. Ohio Adult Parole Bd. Members.
Hocking App. No. 95CA20.

96-2011. Choe v. Ahmed.
Stark App. No. 1995CA00358.

96-2013. State v. Apanovitch.
Cuyahoga App. No. 70009.
F.E. Sweeney, J., not participating.

96-2017. Bentleyville v. Pisani.
Cuyahoga App. Nos. 69063, 69064, 69065 and 69066.

96-2018. State v. Phillips.
Hamilton App. Nos. C-950308 and C-950311.

96-2019. State v. Fugua.
Hardin App. No. 6-95-25.

96-2021. State v. McMeans.
Franklin App. No. 96APA04-479.

96-2023. State v. Guiterrez.
Medina App. No. 2515-M.

96-2031. State v. Kurtz.
Auglaize App. No. 2-96-2.

96-2032. State v. Dabney.
Hamilton App. No. C-960552.

96-2033. Oda v. Davis.
Montgomery App. No. 15676.

96-2036. Quill v. Richardson.
Montgomery App. No. 15687.

96-2038. Howard v. Seaway Foodtown, Inc.
Lucas App. No. L-96-118.

Resnick, J., not participating.

96-2039. Cleveland Home Improvement Council v. Bedford Hts.
Cuyahoga App. No. 68214.

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

96-2040. State v. Hawkins.
Richland App. No. 95CA55.

96-2041. Kreps v. Pesina.
Lucas App. No. L-95-377.

96-2044. State v. Williams.
Cuyahoga App. No. 69558.

96-2045. Pressler v. Pressler.
Warren App. No. CA96-03-024.

96-2046. State v. Trikilis.
Medina App. No. 2511-M.

96-2047. Kотора v. Unibank.
Jefferson App. No. 95-J-2.
Moyer, C.J., and Douglas, J., dissent.

96-2050. Porter v. James Cancer Hosp. & Research Inst.
Franklin App. No. 96API04-548.

96-2052. King v. Superior Hardwoods of Ohio, Inc.
Guernsey App. No. 95CA18.
Douglas and Pfeifer, JJ., dissent.

96-2056. Siebenaler v. Montpelier.
Williams App. No. WM-95-035.
Douglas, J., dissents.

96-2058. Witcher v. Fairlawn.
Summit App. No. 17745.
Moyer, C.J., dissents.
Cook, J., not participating.

96-2061. State v. Hoffman.
Mahoning App. No. 94 C.A. 231.

96-2071. State v. Leggett.
Williams App. No. WM-96-015.
Resnick, J., not participating.

96-2072. Wauseon v. Plassman.
Fulton App. No. F-95-022.
Resnick, J., not participating.

96-2073. Sergi v. Sergi.
Summit App. No. 17476.
Resnick and Pfeifer, JJ., dissent.

96-2075. N.R., Inc. v. Ohio Liquor Control Comm.

Summit App. No. 17630.

96-2076. Gardens of Raintree Condominium Assn. v. Raintree Condominium Assn.
No. 1.

Cuyahoga App. No. 69765.

96-2077. Cleveland v. W.E. Davis Co.

Cuyahoga App. No. 69915.

96-2080. State v. Miller.

Franklin App. No. 96APA05-627.

96-2081. Murphy v. Powell.

Delaware App. Nos. 95CAE12093 and 95CAE12095.

96-2084. Harvesting Sys., Ltd. v. Kilbane.

Cuyahoga App. No. 69399.

96-2088. Martin v. Louisiana-Pacific Corp.

Summit App. No. 17695.

96-2100. Siemens Nixdorf Infosystem v. Accurate Key Punch Serv.

Franklin App. No. 96APG02-221.

96-2101. State v. Carroll.

Cuyahoga App. No. 70692.

96-2108. Newburgh Hts. v. Villanueva.

Cuyahoga App. No. 69600.

96-2110. State v. Hatford.

Hamilton App. No. C-960550.

96-2114. State v. Young.

Summit App. No. 17600.

96-2115. State v. Lanier.

Ottawa App. No. OT-95-051.

96-2117. State v. Beran.

Greene App. No. 95CA07.

96-2120. Krysa v. Sieber.

Cuyahoga App. No. 69145.

96-2125. State v. Hughes.

Crawford App. No. 3-96-10.

96-2126. State ex rel. Boigner v. Ohio Dept. of Rehab. & Corr., Div. of Ohio
Adult Parole Auth.

Franklin App. No. 96APE04-421.

96-2139. State v. Tran.

Franklin App. No. 96APA07-882.

96-2145. State v. Pierce.

Cuyahoga App. No. 59918.

96-2164. McGraw v. Euclid.
Cuyahoga App. No. 69952.

96-2167. State v. Davis.
Hamilton App. Nos. C-950459 and C-950502.

DISCRETIONARY APPEALS ALLOWED

96-1803. ABM Farms, Inc. v. Woods.
Fairfield App. No. 95CA50.
Resnick, F.E. Sweeney and Cook, JJ., dissent.

96-1894. State ex rel. Pizza v. Rezcallah.
Lucas App. No. L-95-363.
Resnick, J., not participating.

96-1895. State v. Terrell.
Lucas App. No. L-95-362.
Resnick, J., not participating.

96-1897. State ex rel. Pizza v. Gonzales.
Lucas App. No. L-95-298.
Resnick, J., not participating.

96-1929. State v. Gibson.
Cuyahoga App. No. 69409. Discretionary appeal allowed.
Pfeifer and Cook, JJ., dissent.
Discretionary cross-appeal by Nathaniel Gibson denied.
Moyer, C.J., and Douglas, J., dissent.

96-2004. Kovacs v. Bauer.
Cuyahoga App. No. 69400.
Moyer, C.J., and Cook, J., dissent.

96-2078. Scancarello v. Erie Ins. Co.
Franklin App. No. 96APE02-166. Sua sponte, cause held for the decision in 95-2409, Beagle v. Walden, Certified Question of State Law, No. 5-95-CV-1146; briefing schedule stayed.

96-2095. Weiker v. Motorists Mut. Ins. Co.
Ottawa App. No. OT-96-012. Discretionary appeal allowed; sua sponte, cause held for the decision in 95-2558, Sparks v. State Farm Mut. Auto. Ins. Co., Franklin App. No. 95APE03-339; briefing schedule stayed.
Moyer, C.J., Cook and Stratton, JJ., dissent.

DISCRETIONARY APPEALS NOT ALLOWED

96-1794. Short v. Celestino.
Lucas App. No. L-95-251.
Moyer, C.J., and Cook, J., dissent and would hold this cause for the decision in 96-764, Holt v. Grange Mut. Cas. Co., Butler App. No. CA95-11-192.
Resnick, J., not participating.

96-1795. Griswold v. Med. College of Ohio.

Franklin App. No. 96API01-66.
Douglas, J., dissents.

96-1796. Maple Hts. v. Szabo.
Cuyahoga App. No. 69601.

96-1800. State v. Asher.
Hamilton App. No. C-950531.
Douglas and F.E. Sweeney, JJ., dissent.
Stratton, J., not participating.

96-1810. Rath v. Grange Mut. Ins. Co.
Franklin App. No. 95APE12-1654.
Pfeifer, J., dissents.

96-1812. State v. Parsons.
Huron App. No. H-95-070.

96-1816. ALD Concrete & Grading Co., Inc. v. Chem-Masters Corp.
Franklin App. No. 95APE11-1521.

96-1822. St. Vincent Charity Hosp. v. URS Consultants, Inc.
Cuyahoga App. No. 69504.
Moyer, C.J., and Douglas, J., dissent.

96-1825. E. Liverpool City Hosp. v. Ward.
Columbiana App. No. 95CO22.

96-1837. Portage Twp. Bd. of Trustees v. McNulty.
Ottawa App. No. OT-95-043.

96-1839. Jefferson v. Eboh.
Marion App. No. 9-95-58.

96-1852. Brown v. LTV Steel Co.
Stark App. No. 96CA0024.
Cook, J., dissents.

96-1855. Long v. Hurles.
Allen App. No. 1-96-02.

96-1856. Butland v. Butland.
Franklin App. No. 95APF09-1151.
Moyer, C.J., dissents.

96-1858. Cambridge Mut. Fire Ins. Co. v. Tollett.
Lorain App. No. 95CA006176. Discretionary appeal, and discretionary cross-
appeal by Cambridge Mutual Fire Insurance Company denied.
Cook and Stratton, JJ., would grant the cross-appeal only.

96-1866. DeAnda v. Vanegas Enterprises-Corro-Flo Engineering, Inc.
Hancock App. No. 5-95-53.

96-1867. State v. Reed.
Hamilton App. No. C-950450.
Pfeifer, J., dissents.

96-1877. Serv. Station Holdings, Inc. v. Ohio Liquor Control Comm.
Franklin App. No. 96APE01-22.

Douglas, J., dissents.

96-1880. Grudzinski v. Seaway Food Town, Inc.
Lucas App. No. L-95-392.

Resnick, J., not participating.

96-1882. Walker v. Walker.
Hamilton App. Nos. C-940977 and C-940992.

Resnick, J., dissents.

96-1884. State v. Weaver.
Lake App. No. 94-L-008.

96-1888. Davis v. Davis.
Union App. No. 14-95-43.

Resnick and Pfeifer, JJ., dissent.

96-1896. Motorists Mut. Ins. Co. v. United Ohio Ins. Co.
Lucas App. No. L-95-316.

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

96-1898. Richards v. Cincinnati W. Baptist Church.
Hamilton App. No. C-940798.

Douglas and Pfeifer, JJ., dissent.

96-1899. Flesher v. U-Haul Co. of Ohio.
Franklin App. No. 95APE11-1420.

96-1900. Smith v. Dunn.
Hamilton App. No. C-950270.

96-1902. Harrison v. Univ. of Cincinnati Hosp.
Franklin App. No. 96API01-81.

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

96-1904. Enterprise Roofing & Sheet Metal Co. v. Hliaras.
Montgomery App. No. 15248.

96-1908. Caras v. Green & Green.
Montgomery App. Nos. 14943 and 15089.

96-1911. Walworth v. BP Oil Co.
Cuyahoga App. Nos. 69610 and 69901.

Stratton, J., dissents.

96-1922. Owens v. State Farm Mut. Auto. Ins. Co.
Marion App. No. 9-96-10.

Moyer, C.J., and Stratton, J., dissent.

96-1924. W.E. Quicksall & Assoc., Inc. v. Gibson.
Tuscarawas App. No. 95AP090061.

96-1931. State Auto. Ins. Co. v. McIntosh.
Butler App. No. CA96-03-057.

96-1935. Green v. Toledo Hosp.
Lucas App. No. L-96-133.
Stratton, J., dissents.
Resnick, J., not participating.

96-1949. Maky v. Pattersons, Inc.
Geauga App. No. 96-G-1962.

96-1962. Sandfort v. Cincinnati Civ. Serv. Comm.
Hamilton App. No. C-960075.
Stratton, J., not participating.

96-1964. Amon v. Grange Mut. Cas. Co.
Trumbull App. No. 95-T-5243.
Resnick, J., dissents.

96-1970. Neeley v. Sun Company, Inc.
Hamilton App. No. C-950828.
Stratton, J., not participating.

96-1981. Alden v. Summit Cty.
Summit App. No. 17458.
Douglas and Pfeifer, JJ., dissent.

96-1982. State v. Sidlovsky.
Lorain App. No. 95CA006253.

96-2005. Wayne Mut. Ins. Co. v. Mills.
Wayne App. No. 95CA0083. (Appeal by Estate of Sean T. Wright, Keith O. Hammons
and Norma C. Hammons; second appeal by Thomas Thorn.)
Douglas and F.E. Sweeney, JJ., dissent.

96-2012. Tulley v. Wickliffe City School Dist. Bd. of Edn.
Lake App. No. 95-L-014.
Douglas, Resnick and Pfeifer, JJ., dissent.

96-2028. Grandjean v. James.
Montgomery App. No. 15708.
Pfeifer, J., dissents.
Cook, J., not participating.

96-2034. Gerstenslager v. Lloyd.
Summit App. No. 17426.

96-2051. Evans v. Ohio State Univ.
Franklin App. No. 95API08-965.
Moyer, C.J., Resnick and Pfeifer, JJ., dissent.

96-2054. Jenkins v. Ohio State Univ. Hosp.
Franklin App. No. 96API01-119.

96-2055. Nationwide Mut. Ins. Co. v. Finkley.

Summit App. No. 17544.

Resnick, J., dissents.

Cook, J., not participating.

96-2059. Seegott v. Great Am. Ins. Co.

Cuyahoga App. No. 69401.

Resnick and Pfeifer, JJ., dissent.

96-2060. Bacon v. W. Am. Ins. Co.

Hamilton App. No. C-950864.

Douglas, J., dissents.

Stratton, J., not participating.

96-2062. Campbell v. Colley.

Scioto App. No. 95CA2389.

96-2063. Spano Bros. Constr., Inc. v. Leisinger.

Summit App. No. 17438.

96-2065. Currey v. Shell Oil Co.

Washington App. No. 95CA25.

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

96-2074. State v. Willis.

Stark App. No. 1995CA00202.

96-2107. Lawson v. Columbus City School Dist. Bd. of Edn.

Franklin App. No. 95APE11-1505.

Stratton, J., dissents.

96-2116. Heard v. Meijer, Inc.

Montgomery App. No. 15609.

Cook and Stratton, JJ., dissent.

96-2131. Kurtz Bros., Inc. v. Tracy.

Cuyahoga App. Nos. 70078 and 70079.

Pfeifer, J., dissents.

96-2135. Kenyon v. Scott Fetzer Co.

Cuyahoga App. No. 69649.

Stratton, J., dissents.

96-2148. State v. Mahone.

Mahoning App. No. 92 C.A. 27.

96-2162. Wood v. Cincinnati Ins. Co.

Portage App. No. 95-P-0122.

Stratton, J., dissents.

Cook, J., not participating.

