

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

1:00 P.M. WEDNESDAY  
May 29, 1996

MERIT DOCKET

94-2176. State ex rel. Heller v. Indus. Comm.  
Franklin County, No. 93AP-967. On motion to dismiss by Industrial Commission.  
Motion to dismiss sustained. Cause dismissed.

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

96-640. State ex rel. Linton 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, Resnick, F.E. Sweeney, Pfeifer, Cook and Stratton,  
JJ., concur.

96-722. Harp v. Mohr.  
In Mandamus. On answer of respondent. Motion to dismiss sustained. Cause  
dismissed.

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

96-843. State ex rel. Fox v. Wilkinson.  
In Mandamus. Sua sponte, cause dismissed.

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

96-844. State ex rel. Jackson v. Court of Common Pleas of Cuyahoga Cty.  
In Mandamus. On motion to dismiss. Motion to dismiss sustained. Cause  
dismissed.

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

96-847. State ex rel. Brenner v. Dobie.  
In Mandamus. Sua sponte, cause dismissed.

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

96-871. State ex rel. Watts v. Armstrong.  
In Mandamus. Sua sponte, cause dismissed.

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

96-880. Dean v. Ohio Department of Rehab. & Corr.  
In Habeas Corpus. Sua sponte, cause dismissed.

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

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

95-2369. State v. Eason.  
Cuyahoga County, No. 66060.  
Pfeifer, J., dissents.

96-76. State v. Kinsey.  
Holmes County, No. CA515.

96-115. Mt. Healthy Bd. of Edn. v. Vessalo.  
Hamilton County, No. C-950053.

96-121. Kelley v. HMO Health Ohio.  
Cuyahoga County, No. 68812.  
Resnick and Pfeifer, JJ., dissent.

96-140. State ex rel. Hines v. Ohio Parole Bd.  
Franklin County, No. 95APE05-623.  
Stratton, J., dissents.

96-146. Forest Park v. Pelfrey.  
Hamilton County, Nos. C-950068, C-950069, C-950070, C-950071, C-950072, C-950073  
and C-950074.  
Moyer, C.J., and Cook, J., dissent.

96-148. In re Langer.  
Lake County, Nos. 95-L-003 and 95-L-004.

96-151. State v. Fisher.  
Delaware County, No. 95CAA03014.

96-157. Hackman v. Farmers Ins. Exchange.  
Franklin County, No. 95APE05-637.  
Resnick, J., dissents.

96-158. Perrysburg v. Koenig.  
Wood County, No. WD95011.  
Moyer, C.J., and Stratton, J., dissent.  
Resnick, J., not participating.

96-170. State v. Dunlap.  
Allen County, No. 1-95-46.

96-176. State v. Anderson.  
Summit County, No. 17253.

96-179. State v. Jackson.

Lorain County, No. 95CA006152.

96-182. State v. Acquista.  
Franklin County, No. 95APA04-431.  
Moyer, C.J., dissents.

96-183. State v. Stefan.  
Trumbull County, No. 95-T-5215.  
Pfeifer, J., dissents.

96-184. State v. Slipcevic.  
Ashtabula County, No. 94-A-0061.

96-192. State v. Smith.  
Cuyahoga County, No. 68135.

96-193. State v. Lane.  
Hamilton County, No. C-940617.

96-206. State v. Anderson.  
Lorain County, No. 95CA006052.

96-208. State v. Marerro.  
Cuyahoga County, No. 68406.

96-209. Pena v. Northeast Ohio Emergency Affiliates.  
Lorain County, No. 94CA005906. On discretionary appeal and cross-appeals.  
Appeals denied.

Douglas, J., would allow appellants' appeal on Proposition of Law No. IV only, the cross-appeal of Northeast Ohio Emergency Affiliates and Brian Kirkland, D.O., on Propositions of Law Nos. I and VI only, and the cross-appeal of Josef F. Korinek, M.D., on Propositions of Law Nos. I, II, and VI only.

Moyer, C.J., and Resnick, J., dissent and would allow the appeal and cross-appeals.

96-215. State v. Hammons.  
Defiance County, No. 4-95-3.  
Moyer, C.J., and Stratton, J., dissent.

96-217. State v. Thomas.  
Cuyahoga County, No. 68313.

96-220. State v. Reimsnyder.  
Ashland County, No. CA-1110.

96-226. State v. Sheets.  
Fairfield County, No. 14CA95.

96-228. State v. Skiba.  
Hamilton County, No. C-950028.  
Stratton, J., not participating.

96-248. Slowbe v. Slowbe.  
Cuyahoga County, No. 68739.

96-255. State v. Johnson.

Hamilton County, No. C-940986.  
Pfeifer, J., dissents.

96-256. State v. Frakes.  
Brown County, No. CA94-12-016.

96-259. State v. Rojas.  
Hamilton County, No. C-950091.

96-267. State v. Cook.  
Hamilton County, No. C-950090.  
Stratton, J., not participating.

96-275. State v. Parks.  
Ross County, No. 95CA2095.

96-279. State v. Cole.  
Summit County, No. 17064.

96-282. Colboch v. Uniroyal Tire Co.  
Cuyahoga County, No. 68017.  
Cook and Stratton, JJ., dissent.

96-315. Hylton v. McAninch.  
Ross County, No. 95CA2115.

96-326. State v. Dingus.  
Franklin County, No. 95APA07-835.

#### MOTION DOCKET

95-2051. State ex rel. Smith v. McGraw-Edison Co.  
In Mandamus. On motion to expedite. Motion denied; sua sponte, oral argument denied.  
Douglas, J., would deny the motion to expedite but grant an alternative writ.

95-2066. DeRolph v. State.  
Perry County, No. CA-477. On motion to expedite date of oral argument. Motion denied.  
Cook, J., would grant the motion to expedite.

95-2193. State ex rel. Moody v. Ohio State Univ.  
In Mandamus. On motion to advance case on docket. Motion denied; sua sponte, oral argument denied.  
Douglas, J., would deny the motion to advance but grant an alternative writ.

95-2285. Keycorp Mtge., Inc. v. Shimp.  
Portage County, No. 94-P-0073. On motion for stay of execution of sheriff's sale. Motion denied.  
Resnick, J., not participating.

95-2379. State v. Twyford.

Jefferson County, No. 93-J-13. On motion for stay of execution and on motion to strike. Motions denied.

95-2572. State v. Williams.

Summit County, No. 16418. On motion to withdraw as counsel. Motion denied.

On motion for leave to file merit brief and to designate due date. Motion granted and brief must be filed on or before June 28, 1996.

95-2574. Gannett v. Goodyear Tire & Rubber Co.

On answer of respondent Goodyear Tire & Rubber Company and on answer of respondent Industrial Commission. Sua sponte, alternative writ granted.

On request for oral argument. Request denied.

95-2576. Cincinnati Bell Tel. Co. v. Pub. Util. Comm.

Public Utilities Commission, No. 94-1695-TP-ACE. On motion to dismiss and on intervenor's motion to dismiss. Motions denied.

Douglas, J., dissents and would grant both motions.

95-2577. W. Side Deutscher Frauen Verein v. Tracy.

Board of Tax Appeals, No. 94-K-702. On request for argument before full court. Request granted.

Douglas, Resnick and Cook, JJ., dissent.

95-2621. Ohio Tel. Assn. v. Pub. Util. Comm.

Public Utilities Commission, No. 94-1695-TP-ACE. On motion to dismiss and on intervenor's motion to dismiss. Motions denied.

Douglas, J., dissents and would grant both motions.

96-221. State v. Gillard.

Stark County, No. 95CA0257. On motion for evidentiary hearing and on motion for supplementation of the record. Motions denied.

96-304. Tarr v. Bur. of Workers' Comp.

In Mandamus. On answer of respondent. Sua sponte, alternative writ granted and oral argument denied.

96-452. State v. Davie.

Trumbull County, No. 92-T-4693. On motion for stay of execution. Motion granted.

Pfeifer, J., dissents.

96-475. In re Graybill/Rowe Children.

Stark County, No. 95CA0109. On review of order certifying a conflict. The court determines that a conflict exists, sua sponte, cause consolidated with 96-474, infra, and cause held for the decision in 95-941, 95-942, 95-1213, 95-1510 and 95-1688, infra; briefing schedule stayed.

96-785. State ex rel. Ferguson v. Indus. Comm.

In Mandamus. Sua sponte, alternative writ granted.

96-845. State v. Coy.

Montgomery County, No. CA-14415. On motion for leave to file delayed appeal. Motion denied.

96-848. State v. Hale.

Lorain County, No. 94CA006005. On motion for leave to file delayed appeal. Motion denied.

96-862. Rice v. O'Grady.  
In Mandamus. Sua sponte, alternative writ granted.  
Douglas, Resnick and Pfeifer, JJ., dissent and would dismiss the cause.

96-913. State v. Hobbs.  
Lorain County, No. 89CA004600. On motion for leave to file delayed appeal.  
Motion denied.

96-938. State v. Hill.  
Montgomery County, No. 15630. On motion for leave to file delayed appeal.  
Motion denied.  
Moyer, C.J., dissents.

96-939. Smith v. Ohio Dept. of Human Serv.  
Clermont County, No. CA95-07-044. On motion for stay of execution. Motion  
denied.

96-971. State v. Shepherd.  
Summit County, No. 15777. On motion for leave to file delayed appeal. Motion  
denied.  
Cook, J., not participating.

96-978. State v. Smith.  
Summit County, No. 16910. On motion for leave to file delayed appeal. Motion  
granted.  
Douglas, F.E. Sweeney and Cook, JJ., dissent.

96-1141. State v. Kleve.  
Hamilton County, Nos. C-950382, C-950383 and C-950384. On motion for stay of  
execution. Motion denied.

#### DISCRETIONARY APPEALS ALLOWED

96-147. Dublin v. Callahan.  
Franklin County, No. 95APC08-963. Sua sponte, cause held for the decision in  
95-1377 and 95-1466, State v. Gustafson, Mahoning County, No. 94 C.A. 232;  
briefing schedule stayed.

96-159. Hitchings v. Weese.  
Holmes County, No. 95CA539. Sua sponte, cause held for the decision in 95-1222,  
Byrnes v. LCI Communication Holdings Co., Franklin County, Nos. 94APE09-1372 and  
94AP09-1396; briefing schedule stayed.

96-172. Columbus v. Squeo.  
Franklin County, No. 95APC08-990. Sua sponte, cause held for the decision in  
95-1377 and 95-1466, supra; briefing schedule stayed.

96-474. In re Graybill/Rowe Children.  
Stark County, No. 95CA0109. Discretionary appeal allowed; sua sponte, cause  
consolidated with 96-475, supra, and cause held for the decision in 95-941, 95-  
942, 95-1213, 95-1510 and 95-1688, In re Young Children, Stark County, No.  
94CA0198, et al.; briefing schedule stayed.

#### DISCRETIONARY APPEALS NOT ALLOWED

95-2363. Holman v. Licking Cty.  
Licking County, No. 94CA50.

96-120. Doepker v. Estate of Doepker.  
Allen County, No. 1-95-48.  
Douglas, Resnick and F.E. Sweeney, JJ., dissent.

96-127. Boso v. Erie Ins. Co.  
Franklin County, No. 95APE05-520.  
Douglas, Resnick and Pfeifer, JJ., dissent.

96-130. Yoder v. Stocker & Sitler Oil Co.  
Holmes County, Nos. 507 and 510.  
Moyer, C.J., dissents.

96-143. Jackson v. Bellomy.  
Franklin County, No. 95APE10-1333.

96-144. LeMaster v. Huntington Natl. Bank.  
Franklin County, No. 95APE05-585.  
F.E. Sweeney and Pfeifer, JJ., dissent.

96-149. McKinley v. Kenyon College.  
Knox County, No. 95CA25.

96-152. Cincinnati Ins. Co. v. Continental Cas. Co.  
Hamilton County, Nos. C-940884 and C-940890. Discretionary appeal and cross-  
appeal denied.  
Douglas, J., dissents.

96-162. Sanford v. D&T Limousine Serv., Inc.  
Cuyahoga County, No. 68660.  
Moyer, C.J., and Stratton, J., dissent.

96-163. In re State Emp. Relations Bd.  
Pickaway County, No. 95CA01.

96-165. Copeland Corp. v. Piqua Steel Co.  
Shelby County, No. 17-95-18.  
Pfeifer, J., dissents.

96-186. Stanley v. Magone.  
Butler County, Nos. CA95-05-096 and CA95-06-112.

96-189. State v. Jacobs.  
Hamilton County, No. C-940891.

96-199. Loughrie v. W. End Motors, Inc.  
Jefferson County, No. 95-JE-11.  
Moyer, C.J., and Douglas, J., dissent.

96-211. Castle v. Columbus Roof Trusses, Inc.  
Franklin County, No. 95APE06-822.

96-227. 1994-N1 Ohio Assoc. L.P. v. Planet Earth Entertainment, Inc.

Montgomery County, No. 15338.  
Resnick, J., dissents.

96-243. O'Connell v. Madden.  
Summit County, No. 17198.  
Douglas, Resnick and F.E. Sweeney, JJ., dissent.

96-250. Hancock v. Grimm.  
Hamilton County, No. C-940956. On motion for admission pro hac vice by Marcus A. Hanna, Jr. and David R. Steele, Esq. Motion denied.

96-254. Gable v. Mansfield Gen. Hosp.  
Richland County, No. 95CA10.

#### RECONSIDERATION DOCKET

95-2110. State ex rel. Robinson v. Cuyahoga Cty. Court of Common Pleas.  
Cuyahoga County, No. 69476. Reported at 75 Ohio St.3d 431, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.  
Stratton, J., not participating.

95-2467. Foster Wheeler Enviresponse, Inc. v. Franklin Cty. Convention Facilities Auth.  
Franklin County, No. 95APE04-401. Reported at 75 Ohio St.3d 1451, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion granted; sua sponte, discretionary appeal allowed.  
Resnick, Pfeifer and Cook, JJ., dissent.

95-2643. State v. Hodges.  
Seneca County, No. 13-95-16. Reported at 75 Ohio St.3d 1449, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.  
Douglas and Pfeifer, JJ., dissent.

95-2651. State v. Martinez.  
Lucas County, No. L-95-009. Reported at 75 Ohio St.3d 1449, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.  
Resnick, J., not participating.

96-114. Elach v. Marion Cty. Bd. of Commrs.  
Marion County, No. 9-95-28. Reported at 75 Ohio St.3d 1452, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

96-117. In re Vaughn.  
Franklin County, No. 95APE05-645. Reported at 75 Ohio St.3d 1449, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.  
Douglas, F.E. Sweeney and Pfeifer, JJ., dissent.

96-319. State ex rel. Neal v. Ohio Adult Parole Auth.  
In Mandamus. Reported at 75 Ohio St.3d 1447, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

96-589. State ex rel. Guess v. Judges.  
In Mandamus. Reported at 75 Ohio St.3d 1448, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

96-590. State ex rel. Guess v. Judges.



In Mandamus and Procedendo. Reported at 75 Ohio St.3d 1448, \_\_\_\_ N.E.2d \_\_\_\_\_. On motion for reconsideration. Motion denied.

96-622. Lawson v. Fed. Correctional Inst., Inc.

In Habeas Corpus. Reported at 75 Ohio St.3d 1448, \_\_\_\_ N.E.2d \_\_\_\_\_. On motion for reconsideration. Motion denied.