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10/01/97

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

1:00 P.M.

WEDNESDAY
October 1, 1997

MERIT DOCKET

95-2045. State ex rel. Torres v. Indus. Comm.
Franklin App. No. 94APD08-1262. Sua sponte, cause dismissed
because of abatement by death.

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

95-2077. State ex rel. Torres v. Indus. Comm.
Franklin App. No. 94APD08-1262. Sua sponte, cause dismissed
because of abatement by death.

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

96-2720. State ex rel. McGhee v. Anderson.
Richland App. No. 96CA85. Sua sponte, cause dismissed because
of an untimely appeal.

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

97-1322. State ex rel. Key v. Court of Common Pleas, Cuyahoga
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.

Lundberg Stratton, J., dissents.

97-1414. State ex rel. Hawthorne v. Holmes.
In Prohibition. On motion to dismiss of Nicholas H. Holmes,
Jr., and on motion to dismiss of Ann L. Kalb. Motions to
dismiss sustained. Cause dismissed.

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

97-1429. State ex rel. Rhodes v. Ohio Bd. of Tax Appeals.
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 Lundberg Stratton, JJ., concur.

97-1475. Feldman v. Pauken.

In Mandamus. On answer of respondents. Answer treated as motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

97-1480. State ex rel. Cole v. Ohio Adult Parole Auth.

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

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

97-1484. State ex rel. Agee v. Eighth Dist. Court of Appeals.

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

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

97-1486. State ex rel. Coy v. Columbus Police Dept.

In Mandamus. On motion for issuance of peremptory or alternative writ and on motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

Moyer, C.J., and Lundberg Stratton, J., dissent and would grant an alternative writ.

97-1507. State ex rel. Cotton v. Blackmon.

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

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

97-1512. State ex rel. Garrett v. Sutula.

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

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

97-1513. State ex rel. Smith v. Court of Common Pleas, Lorain Cty.

In Mandamus. On motion to dismiss of Ninth District Court of Appeals and on motion to dismiss of common pleas court. Motions to dismiss sustained. Cause dismissed.

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

97-1514. State ex rel. Rodgers v. Court of Common Pleas, Columbiana Cty.

In Mandamus. Sua sponte, cause dismissed.

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

and Lundberg Stratton, JJ., concur.

97-1526. State ex rel. Hairston v. McMonagle.
In Procedendo. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

Lundberg Stratton, J., dissents and would grant the writ of procedendo.

97-1530. State ex rel. Leister v. Shaw.
In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. Upon consideration of respondents' motion to dismiss pursuant to S.Ct.Prac.R. X(5),

IT IS ORDERED by the court that respondents' motion be granted in part and that relator's mandamus claim be dismissed.

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

IT IS FURTHER ORDERED by the court that the parties submit evidence and briefs on relator's request for attorney fees in accordance with the following schedule:

The parties shall file any evidence they intend to present on or before the twentieth day after this entry. As part of her evidence, relator shall file a bill and documentation of the amount of attorney fees requested in accordance with DR 2-106. Relator shall file her brief within ten days thereafter, respondents shall file their brief within ten days thereafter, and relator may file a reply brief five days thereafter.

Douglas, J., dissents.

97-1573. State ex rel. Farmer v. Spahr.
In Mandamus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

97-1584. State ex rel. Williams v. Court of Common Pleas.
In Mandamus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

97-1585. State ex rel. Hawthorne v. Niehaus.
In Prohibition. On motion to dismiss of Richard A. Niehaus and on motion to dismiss of Ann L. Kalb. Motions to dismiss sustained. Cause dismissed.

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

97-1674. Justice v. State.
On petition for declaratory judgment. Sua sponte, cause dismissed.

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

97-1713. Arnold v. Ninth Appellate Dist., Lorain Cty. Div.
On motion for declaratory judgment. Sua sponte, cause dismissed.

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

97-1732. In re Aaron.

In Habeas Corpus. Sua sponte, cause dismissed.

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

97-1768. Oden v. Carter.

In Habeas Corpus. Sua sponte, cause dismissed.

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

97-1779. King v. State.

In Habeas Corpus. Sua sponte, cause dismissed.

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

97-1799. Marlowe v. Russell.

In Habeas Corpus. Sua sponte, cause dismissed.

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

97-1803. Buelow v. Ohio Adult Parole Auth.

In Habeas Corpus. Sua sponte, cause dismissed.

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

97-1851. Orth v. Mitchell.

In Habeas Corpus. Sua sponte, cause dismissed.

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

97-1864. In re Mack.

In Habeas Corpus. Sua sponte, cause dismissed.

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

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

97-1108. DeTray v. Mt. Carmel Health.

Franklin App. No. 96APE08-1010. (Appeal of Mount Carmel Health
and cross-appeal of David M. DeTray et al.)

97-1246. State v. Hall.

Hamilton App. No. C-960733.

97-1254. State v. Crawley.

Cuyahoga App. No. 70687.

97-1269. McDermott v. Lynch.

Cuyahoga App. No. 71131.

97-1271. State v. Alexander.

Cuyahoga App. No. 70414.

97-1272. Lessler v. Ohio State Univ. Hosp.
Franklin App. No. 96API10-1276.

Resnick, J., dissents.

97-1273. State v. Warner.

Lorain App. No. 96CA006534.

Lundberg Stratton, J., dissents.

Douglas, J., not participating.

97-1287. Winters v. Cleveland Clinic Found.

Cuyahoga App. No. 71110. (Appeal of Arlen Winters and appeal of
Laura Winters.)

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

97-1288. State v. Saunders.

Miami App. No. 96CA51.

97-1289. State v. Williams.

Franklin App. No. 96APA08-1077.

97-1290. State v. Nicodemus.

Franklin App. No. 96APA10-1359.

97-1293. State v. Mercado.

Lorain App. No. 97CA006765.

Douglas, J., not participating.

97-1296. State v. Reyes-Cairo.

Lucas App. No. L-96-137.

Lundberg Stratton, J., would allow on Proposition of Law
No. II only.

Douglas, J., would allow.

Resnick, J., not participating.

97-1303. Black River School Dist. Bd. of Edn. v. Thomas Steel,
Inc.

Medina App. No. 2689-M.

Resnick and Pfeifer, JJ., dissent.

97-1304. State v. Popke.

Erie App. No. E-96-077.

97-1305. State v. Moorehead.

Franklin App. No. 96APA11-1516.

97-1308. State v. Silvers.

Butler App. No. CA96-08-168.

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

97-1314. State v. Ali.

Cuyahoga App. No. 71256.

F.E. Sweeney, J., dissents.

97-1321. State v. Favors.

Franklin App. No. 96APA09-1147.

97-1324. In re Smith.

Butler App. No. CA96-07-133.

Moyer, C.J., dissents.

97-1325. State v. Wills.
Cuyahoga App. No. 70988.

97-1327. Compton v. 7-Up Bottling Co./Brooks Beverage.
Franklin App. No. 96APE11-1539.
Douglas, Resnick and Cook, JJ., dissent.

97-1329. Castella v. Stepak.
Wayne App. No. 96CA0057.
Moyer, C.J., and Pfeifer, J., dissent.

97-1332. State v. Hiller.
Ashland App. No. 96-01179.
Moyer, C.J., and Lundberg Stratton, J., dissent.

97-1333. Strazinsky v. Tri-County Properties, Inc.
Cuyahoga App. No. 71015.
Douglas and Resnick, JJ., dissent.

97-1334. Uncrop v. Klein.
Cuyahoga App. No. 71117.
Moyer, C.J., and Pfeifer, J., dissent.

97-1335. State v. Scott.
Cuyahoga App. No. 69978.

97-1338. State v. Smith.
Ashland App. No. 96-01198.

97-1343. Lewis v. New Albany.
Franklin App. No. 96APE10-1370.
Moyer, C.J., Resnick and F.E. Sweeney, JJ., dissent.

97-1345. State v. Guerra.
Miami App. No. 96CA47.

97-1347. State v. Stevens.
Hamilton App. Nos. C-960521 and C-960553.
Moyer, C.J., dissents.

97-1353. State v. Wyckhouse.
Henry App. No. 7-96-07.

97-1355. State v. Milburn.
Franklin App. No. 96APA10-1417.
Lundberg Stratton, J., not participating.

97-1356. Concord Twp. Trustees v. Hazelwood Builders, Inc.
Lake App. No. 96-L-075.

97-1357. State v. Hilliard.
Cuyahoga App. No. 72421.

97-1360. State v. Webb.
Lucas App. No. L-96-390.

97-1365. Pache Mgt. Co. v. Lusk.
Franklin App. No. 96APE10-1302.

97-1367. State v. Payton.
Portage App. No. 93-P-0121.
Moyer, C.J., Resnick and Lundberg Stratton, JJ., dissent.

97-1368. Estate of Velasques v. Cunningham.
Ashland App. No. 96COA01189.

97-1369. State v. Pearson.
Wood App. No. WD-96-034.
Moyer, C.J., dissents.
Resnick, J., not participating.

97-1374. Rak-Ree Ent., Inc. v. Timmons.
Pickaway App. No. 97CA6.

97-1375. State v. Jordan.
Montgomery App. No. 16053.
Pfeifer, J., dissents.

97-1376. State v. Cooper.
Franklin App. No. 96APC09-1154.

97-1382. State v. Hamilton.
Montgomery App. No. 16530.

97-1385. Woods v. Woods.
Summit App. No. 17935.

97-1389. McBroom v. Pub. Util. Comm.
Franklin App. No. 96APE12-1784.

97-1400. State v. Lovette.
Franklin App. No. 96APA11-1462.

97-1403. In re Estate of Shiway.
Cuyahoga App. No. 71279.

97-1410. Olsen v. Wynn.
Ashtabula App. No. 95-A-0078.

97-1421. State v. Summers.
Morgan App. No. 95CA01.

97-1422. State v. Harley.
Franklin App. No. 96APA11-1548.

97-1424. Columbus v. Doyle.
Franklin App. No. 96APC11-1507.

97-1427. Risk v. Woeste Eastside Motors, Inc.
Clermont App. No. CA96-10-088.
Moyer, C.J., dissents.

97-1430. State v. Cox.
Trumbull App. No. 95-T-5279.

97-1432. State v. Stewart.
Cuyahoga App. No. 71745.

97-1436. State v. Smith.
Cuyahoga App. No. 70798.

97-1438. State v. Dudas.
Cuyahoga App. No. 71065.
Lundberg Stratton, J., dissents.

97-1443. Imes v. Reymann.
Franklin App. No. 96APE10-1322.

97-1461. State v. Dearmitt.
Wayne App. No. 96CA0021.

97-1472. First Natl. Bank of Southwestern Ohio v. Miami Univ.
Butler App. Nos. CA96-03-047 and CA96-03-048.
Moyer, C.J., dissents.
97-1482. State v. Bell.
Scioto App. No. 96CA2472.
Lundberg Stratton, J., dissents.

97-1540. Sartini v. Celinski.
Ashtabula App. No. 96-A-0056.

97-1579. State v. Logan.
Franklin App. No. 96APA11-1536.

97-1587. State v. Thomas.
Hamilton App. No. C-900585.

97-1607. State v. Purnell.
Lucas App. No. L-92-392.
Lundberg Stratton, J., dissents.
Resnick, J., not participating.

97-1636. State v. Hutton.
Belmont App. No. 93-B-30.

97-1688. State v. Phelps.
Cuyahoga App. No. 69157.

MOTION DOCKET

95-964. State ex rel. Roadway Express, Inc. v. Indus. Comm.
Franklin App. No. 94APD03-375. On request for oral argument.
Request denied.

96-2235. Enyart v. Columbus Metro. Area Community Action Org.
Franklin App. No. 96APE01-42. On request for ruling on amended
motion for sanctions filed July 7, 1997. Request denied.
F.E. Sweeney, Cook and Lundberg Stratton, JJ., would grant.

96-2821. State ex rel. Hawkins v. Indus. Comm.
In Mandamus. Sua sponte, alternative writ granted.

97-73. State ex rel. Boggs v. Springfield Local School Dist.
Bd. of Edn.
Summit App. No. 16451. Sua sponte, request for oral argument granted.
Cook, J., dissents.

97-289. Ladrigan v. Clermont Cty. Ohio Sewer & Water Co.
Clermont App. No. CA96-03-035. On motion to strike portion of
appellant's brief. Motion granted.
Pfeifer, J., dissents.
Lundberg Stratton, J., would defer ruling on motion until
the cause is considered on the merits.

97-414. State v. Spivey.
Mahoning App. No. 89 C.A. 172. On motion for leave to be
present at oral argument. Motion granted.
Pfeifer, J., dissents.
On motion for leave to participate in oral argument.
Participation denied, except as requested by the court.
Douglas and Lundberg Stratton, JJ., dissent.

97-707. Landis v. Grange Mut. Ins. Co.
Erie App. No. E-96-034. On motion to strike brief of amicus
curiae Great American Insurance Companies. Motion denied.
Resnick and F.E. Sweeney, JJ., dissent.

97-765. Simmons v. Cuyahoga Cty. Bd. of Revision.
Board of Tax Appeals, No. 95-B-951. On motion for acceptance of
appellant's statement of facts and issues and for reversal of
Board of Tax Appeals' decision. Motion denied.

97-1497. State v. Ashworth.
Licking C.P. No. 96CR356. On motion to dismiss and on motion
for appointment of independent counsel. Motions denied as moot.
Resnick and Pfeifer, JJ., dissent and would grant the
motion to dismiss.

97-1595. Genaro v. Cent. Transport, Inc.
Certified State Law Question, Nos. 196CV2282, 197CV00598 and
197CV601. On consideration of preliminary memoranda pursuant to
S.Ct.Prac.R. XVIII(6). The court will answer the question
presented at page 5 of the memorandum of the United States
District Court for the Northern District of Ohio, Eastern
Division, filed July 29, 1997:

"For purposes of Ohio Rev.Code Ann. [Chapter] 4112, may a
supervisor/manager be held jointly and/or severally liable with
his employer for his conduct in violation of [R.C. Chapter]
4112?"

97-1707. State v. Mitchell.
Cuyahoga App. No. 70437. On motion for leave to file delayed
appeal. Motion granted.
Resnick, F.E. Sweeney and Cook, JJ., dissent.

97-1710. State v. Pace.

Cuyahoga App. No. 72376. On motion for leave to file delayed appeal. Motion denied.

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

97-1730. State v. Suttles.

Summit App. No. 15861. On motion for leave to file delayed appeal. Motion denied.

Cook, J., not participating.

97-1734. State v. Spaqi.

Cuyahoga App. No. 69851. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., dissents.

97-1736. State v. Garr.

Hamilton App. No. C-910794. On motion for leave to file delayed appeal. Motion denied.

97-1761. Clark v. Judges of the Summit Cty. Common Pleas Court.

Summit App. No. 18386. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

97-1767. State v. Covington.

Stark App. No. 1996CA00069. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

97-1770. State v. Tumbleson.

Hamilton App. No. C-970388. On motion for leave to file delayed appeal. Motion denied.

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

97-1775. State v. Brewer.

Highland App. No. 95CA870. On motion for leave to file delayed appeal. Motion denied.

97-1777. State v. Lucas.

Allen App. No. 1-85-51. On motion for leave to file delayed appeal. Motion denied.

Resnick, J., dissents.

97-1781. State v. Anthony.

Clark App. No. 95CA0018. On motion for leave to file delayed appeal. Motion denied.

Douglas and Pfeifer, JJ., dissent.

97-1839. Welty v. Franklin Cty. Dept. of Human Serv.

Franklin App. No. 96APE11-1508. On motion for stay. Motion denied.

DISCRETIONARY APPEALS ALLOWED

97-1117. Simmons-Harris v. Goff.

Franklin App. Nos. 96APE08-982 and 96APE08-991. (Appeal of Hope for Cleveland's Children et al., appeal of state of Ohio and John M. Goff, appeal of Hanna Perkins School et al., cross-appeal of Doris Simmons-Harris, Sheryl Smith, and Rev. Steven

Behr.) Appeals and cross-appeal allowed.

Lundberg Stratton, J., not participating.

On motion for admission pro hac vice of Clint Bolick, motion for admission pro hac vice of Robert H. Chanin and John M. West, and motion for admission pro hac vice of Marvin E. Frankel. Motions granted.

Lundberg Stratton, J., not participating.

On motion to vacate and dismiss Uniformity Clause claim. Motion denied.

Lundberg Stratton, J., not participating.

97-1394. Akl v. El Chafehi.

Lucas App. No. L-96-129.

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

Resnick, J., not participating.

DISCRETIONARY APPEALS NOT ALLOWED

97-1245. In re Adoption of Bryan W.

Huron App. No. H-96-039.

Lundberg Stratton, J., dissents.

Resnick, J., not participating.

97-1250. Thomas v. Thomas.

Franklin App. No. 96APF07-949.

97-1262. Petras v. Automatic Sprinkler Corp.

Cuyahoga App. No. 71115.

Lundberg Stratton, J., dissents.

97-1268. State v. McQuerter.

Montgomery App. No. 15902.

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

97-1279. Schmitz v. Bob Evans Farms, Inc.

Cuyahoga App. No. 70766.

Moyer, C.J., dissents.

Resnick, J., not participating.

97-1297. State v. Upham.

Butler App. No. CA96-08-157.

97-1302. Deerfield Twp. Bd. of Trustees v. Baysore.

Warren App. No. CA96-09-091. (Appeal of Deerfield Township Board of Trustees and appeal of Richard Zimmerman.)

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

97-1307. Grange Mut. Cas. Co. v. Gore.

Warren App. No. CA96-08-076.

F.E. Sweeney, J., dissents.

97-1310. RFJ Internatl. Corp. v. Goodyear Tire & Rubber Co.

Summit App. No. 18005.

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

97-1318. Judy v. Kuhn.

Tuscarawas App. No. 96AP080070.

Resnick and Cook, JJ., dissent.

97-1319. Consumers United Ins. Co. v. Bustamante.
Cuyahoga App. No. 69305.

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

97-1320. Addison v. Ohio River Co.
Hamilton App. No. C-960257.

Resnick, J., dissents.

97-1337. State v. Smith.
Franklin App. No. 96APA10-1418.

97-1340. Cechowski v. Goodwill Industries of Akron, Ohio, Inc.
Summit App. No. 17944.

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

97-1361. Schwartz v. Rice.
Stark App. Nos. 95CA338 and 96CA0145.

Douglas and Pfeifer, JJ., dissent.

97-1362. Bourlas Constr., Inc. v. Karns.
Stark App. No. 1996CA00290.

97-1366. State v. Neuhoff.
Delaware App. No. 96CAC05027.

97-1370. Piunno v. Estate of Piunno.
Geauga App. No. 96-G-2031.

97-1371. Church at Warren v. Natale.
Trumbull App. No. 96-T-5472.

Cook, J., not participating.

97-1372. Kohler v. Deel.
Wayne App. No. 96CA0064.

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

97-1386. Nadel v. Burger King Corp.
Hamilton App. No. C-960489.

Lundberg Stratton, J., dissents.

97-1387. Clark v. Hawaiian Pools, Inc.
Lucas App. No. L-96-362.

Resnick, J., dissents.

97-1388. Floyd v. United Home Improvement Ctr., Inc.
Montgomery App. No. 16250.

97-1396. Mourray v. Evanoff.
Wood App. No. WD-96-042.

Resnick, J., not participating.

97-1397. In re Williams.
Montgomery App. No. 15803.

97-1408. Saxour v. Ohio Dept. of Rehab. & Corr.
Franklin App. No. 96APE09-1271.

97-1433. Higgins v. McDonnell.
Cuyahoga App. No. 71341.

97-1435. CWP, L.P. v. Vitrano.
Cuyahoga App. No. 71314.

97-1437. Southwest Montgomery Cty. Environmental League v.
Schregardus.
Montgomery App. No. 16521.

97-1442. Taulbee v. Adience, Inc.
Franklin App. No. 96APE11-1502.

97-1444. Aloï v. Ravenna Aluminum Industries.
Portage App. No. 96-P-0205.

97-1451. Tremco, Inc. v. Kent.
Cuyahoga App. No. 70920.

97-1454. State v. Ellis.
Montgomery App. No. 15963.
Moyer, C.J., Resnick and Lundberg Stratton, JJ., dissent.

97-1489. Cooper v. Dayton.
Montgomery App. No. 16227.
Moyer, C.J., and Lundberg Stratton, J., dissent.

97-1569. Katterhenrich v. Fed. Hocking Local School Dist. Bd.
of Edn.
Athens App. No. 96CA1752.
Resnick, J., dissents.

RECONSIDERATION DOCKET

95-2561. Clermont Cty. ADAMH Bds. v. Hogan.
Clermont App. Nos. CA94-09-074, CA94-10-079, CA94-10-080 and
CA94-10-082. Reported at 79 Ohio St.3d 358, ___ N.E.2d ___. On
motion for reconsideration. Motion denied.

96-1389 and 96-1390. State v. Schlosser.
Montgomery App. Nos. 14968 and 14976. Reported at 79 Ohio St.3d
329, ___ N.E.2d ___. On motion for reconsideration. Motion
denied.