

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

9:00 A.M.

WEDNESDAY
March 12, 1997

MERIT DOCKET

96-2473. State ex rel. Semenchuk v. Turner.
Madison App. No. CA96-08-033. Sua sponte, cause dismissed as moot.

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

Pfeifer, J., dissents and would reverse on the merits.

97-43. State ex rel. Solivan v. Sutula.
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.

97-47. State ex rel. Jenkins v. Orient Correctional Inst.

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 and Cook, JJ., concur.

Lundberg Stratton, J., dissents and would grant on the merits.

97-91. Kline v. Ironton City Council.

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.

97-95. Schilling v. Fifth Dist. Court of Appeals.

In Prohibition. On answer of respondent and 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.

97-248. State ex rel. Russell v. Dunlap.

In Habeas Corpus. Sua sponte, cause dismissed.

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

and Lundberg Stratton, JJ., concur.

97-256. State ex rel. Young v. Montgomery.
In Quo Warranto. On motion to dismiss. Motion to dismiss
sustained. Cause dismissed.

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

Pfeifer, J., concurs, but would issue a merit opinion and
would grant the motion for leave to intervene of Envirotest
Systems, Inc.

Lundberg Stratton, J., concurs and would grant the motion
for leave to intervene of Envirotest Systems, Inc.

97-286. Linton 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.

97-294. State v. Conley.
In Habeas Corpus. Sua sponte, cause dismissed.

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

97-296. Cook v. Edwards.
In Habeas Corpus. Sua sponte, cause dismissed.

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

97-410. State ex rel. Okocha & Assoc. Co., L.P.A. v. Court of
Appeals, Eighth Ohio Appellate Dist.
In Mandamus and Prohibition. 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

96-2661. State v. Fretz.
Summit App. No. 17999.
Lundberg Stratton, J., dissents.

96-2682. State v. Copinski.
Stark App. No. 96CA0032.

96-2707. State v. Zabrosky.
Seneca App. No. 13-96-41.

96-2713. State v. Parker.
Washington App. No. 96CA35.

96-2716. In re Seymore.
Butler App. No. CA95-11-204.

96-2718. State v. Williams.
Cuyahoga App. No. 69936.

96-2725. State v. Taylor.
Cuyahoga App. No. 69843.
96-2731. Mayfield Hts. v. Buckner.
Cuyahoga App. No. 69221.

96-2732. Lanza-Costlow v. State Farm Fire & Cas. Co.
Columbiana App. No. 95CO44.
Lundberg Stratton, J., dissents.

96-2733. State v. Greathouse.
Huron App. No. H-96-014.

96-2737. Painter v. State Auto. Ins. Co.
Franklin App. No. 95APE12-1558.
Moyer, C.J., dissents.
Lundberg Stratton, J., not participating.

96-2739. Rumpke Rd. Dev. Corp. v. Union Twp. Bd. of Trustees.
Clermont App. No. CA96-04-040.
Pfeifer, Cook and Lundberg Stratton, JJ., dissent.

96-2746. Cooper v. Cincinnati.
Hamilton App. No. C-960309.
Moyer, C.J., Douglas and Pfeifer, JJ., dissent.

96-2759. State v. Byrd.
Williams App. No. WM-96-007.
F.E. Sweeney, J., dissents.
Resnick, J., not participating.

96-2760. WFO Corp. v. Ohio Liquor Control Comm.
Franklin App. No. 96APE05-558.

96-2762. State v. Dalton.
Lorain App. No. 96CA006435.

96-2763. Textron Fin. Corp. v. Nationwide Mut. Ins. Co.
Summit App. No. 17381.
F.E. Sweeney, J., dissents.

96-2764. State v. Ross.
Lorain App. No. 96CA006400.

96-2765. State v. Kretzer.
Montgomery App. No. 15503.

96-2766. State v. Fountain.
Cuyahoga App. No. 70365.

96-2767. State v. LeMasters.
Meigs App. No. 95CA15.
Lundberg Stratton, J., dissents.

96-2769. State v. Arnold.
Lorain App. No. 96CA006384.

96-2770. State v. Dehler.
Cuyahoga App. No. 70504.

96-2771. State v. Davis.
Summit App. No. 17585.
Lundberg Stratton, J., dissents.

96-2772. State v. Call.
Montgomery App. No. 15805.

96-2773. State v. Roudebush.
Wayne App. No. 96CA0025.

96-2796. Brothers v. Youngstown.
Mahoning App. No. 94 C.A. 202.
Douglas, J., dissents.

96-2802. State v. Burgess.
Montgomery App. No. 15548.

96-2806. Bales v. Dayton.
Montgomery App. No. 15668.
Moyer, C.J., Resnick, and F.E. Sweeney, JJ., dissent.

96-2812. W. & S. Life Ins. Co. v. Braun.
Franklin App. No. 96APE06-784.
Moyer, C.J., Douglas and Cook, JJ., dissent.

96-2813. Klar v. Black.
Summit App. No. 17574.

96-2817. Schmidt v. Greater Cleveland RTA.
Cuyahoga App. No. 71545.

96-2824. State v. Williams.
Cuyahoga App. No. 69936.

96-2833. Turner v. Shiplevy.
Allen App. No. 1-96-47.

96-2854. Amanda Clearcreek School Dist. Bd. of Edn. v. Kinser.
Fairfield App. No. 96CA27.
Pfeifer and Cook, JJ., dissent.

96-2861. State v. Welly.
Seneca App. No. 13-96-24.
Douglas, J., dissents.

96-2863. In re Valentine.
Coshocton App. No. 95CA35.

96-2871. In re Jones.
Cuyahoga App. No. 71442.

96-2875. State v. Grinnell.
Warren App. No. CA96-09-090.

97-2. State v. Hill.
Lorain App. No. 96CA006617.

97-38. Orens v. Ricardo's Restaurant.
Cuyahoga App. No. 70403.

97-84. State v. Whitterson.
Hamilton App. No. C-910882.

97-170. State v. Showalter.
Lorain App. No. 91CA005215. On motion to supplement the record.
Motion denied.

MOTION DOCKET

96-1030. Miller v. Bike Athletic Co.
Belmont App. No. 94-B-52. On motion for admission pro hac vice
of Louis M. Tarasi, Jr. Motion granted.

96-1645. State ex rel. Walker v. Lancaster City School Dist.
Bd. of Edn.
Fairfield App. No. 95CA0024. On request for oral argument.
Request denied.

96-2006 and 96-2025. Minton v. Honda of Am. Mfg., Inc.
Montgomery App. No. 14949. On motion for admission pro hac vice
of Kenneth S. Geller. Motion granted.

96-2029. State v. White.
Ashland C.P. No. 96CRI07366. On motion for order requiring
preservation of, and allowing inspection and copying of,
videotape of trial. Motion denied.

96-2153. Internatl. Thomson Publishing, Inc. v. Tracy.
Board of Tax Appeals, Nos. 94-T-1078 and 94-T-1079. On request
for argument before full court. Request denied.

Pfeifer, J., dissents.

96-2509. State v. White.
Ashland App. No. 96COA01182. On motion for order requiring
preservation of, and allowing inspection and copying of,
videotape of trial. Motion denied.

96-2671. State v. Williams.
Stark App. No. 95CA0258. On motion for appointment of counsel.
Motion granted and this matter is remanded to the court of
appeals for appointment of counsel.

96-2791. Sun Newspapers v. Moreland Hills.
In Mandamus. On answer of respondent and on motion to dismiss.
Sua sponte, alternative writ granted.

97-14. J.A. Croson Co. v. J.A. Guy, Inc.
Pickaway App. No. 95CA10. On motion to modify the court's entry
stating the issue to be briefed. Motion denied.

97-85. State v. Ballow.
Medina App. No. 2527-M. On motion for leave to file delayed
appeal. Motion denied.

Pfeifer, J., dissents.

97-138. Davis v. Columbus State Community College.
Franklin App. No. 96APE09-1264. On motion to expedite. Motion
denied.

97-151. State v. Dillon.
Monroe App. No. 725. On motion for leave to file delayed
appeal. Motion granted.
Douglas, Resnick and F.E. Sweeney, JJ., dissent.

97-157. State v. Bowser.
Greene App. No. 95CA82. On motion for leave to file delayed
appeal. Motion denied.
Resnick, Pfeifer and Lundberg Stratton, JJ., dissent.

97-167. State v. Newman.
Lorain App. No. 92CA005430. On motion for leave to file delayed
appeal. Motion denied.
Pfeifer, J., dissents.

97-212. State v. Puckett.
Scioto App. No. 95CA2362. On motion for leave to file delayed
appeal. Motion denied.
Resnick, Pfeifer and Lundberg Stratton, JJ., dissent.

97-218. State v. McCraney.
Summit App. No. 17683. On motion for leave to file delayed
appeal. Motion denied.
Pfeifer and Lundberg Stratton, JJ., dissent.

97-221. State ex rel. Hayward v. Gault.
Summit App. No. 17735. On motion to supplement record. Motion
denied.
Moyer, C.J., dissents.

96-414. State v. Spivey.
Mahoning App. No. 89 C.A. 172. On motion for appointment of
counsel. Motion granted and this matter is remanded to the
court of appeals for appointment of counsel.
Pfeifer, J., dissents.

DISCRETIONARY APPEALS ALLOWED

96-2624. Hamilton v. Ohio Sav. Bank.
Cuyahoga App. No. 69757. (Appeal of Frances Hamilton, and
George and Barbara Seidel, and cross-appeal of Ohio Savings
Bank.)
Moyer, C.J., Resnick and Cook, JJ., dissent.

96-2730. Wagner v. Midwestern Indemn. Co.
Seneca App. No. 13-95-51. (Appeal of Verlin L. and Ruth A.
Wagner, and cross-appeal of Midwestern Indemnity Company.)
Moyer, C.J., and Cook, J., dissent.

96-2797. AL Post 0184 v. Ohio Liquor Control Comm.
Miami App. No. 96CA17. Sua sponte, cause held for the decision
in 96-1270 and 96-1271, VFW Post 1238 v. Ohio Liquor Control

Comm., Huron App. No. H-95-065; briefing schedule stayed.
Douglas and Resnick, JJ., dissent.

96-2803. Coons v. Brownlee.
Logan App. No. 8-95-21.
Pfeifer, Cook and Lundberg Stratton, JJ., dissent.

DISCRETIONARY APPEALS NOT ALLOWED

96-2484. State v. Morgan.
Cuyahoga App. No. 70407.

96-2623. Rupert v. State Farm Mut. Auto. Ins. Co.
Wood App. No. WD95103. (Appeal of Timothy P. Rupert and cross-
appeal of State Farm Mutual Automobile Insurance Company.)
Cook and Lundberg Stratton, JJ., would allow the cross-
appeal only and hold the cause for the decision in 96-764, Holt
v. Grange Mut. Cas. Co., Butler App. No. CA95-11-192.
Resnick, J., not participating.

96-2678. Brown v. LTV Steel Co.
Stark App. No. 95CA0362. (Appeal of Ronald Brown and cross-
appeal of LTV Steel Company.)

96-2683. Howell v. Durch.
Trumbull App. No. 95-T-5239.
Douglas and Lundberg Stratton, JJ., dissent.

96-2684. Herweh v. Bailey.
Hamilton App. No. C-960177.
Cook, J., would allow and hold the cause for the decision
in 96-1467, Harris v. Kennedy, Cuyahoga App. No. 69420.

96-2700. Emary v. Emary.
Lorain App. No. 96CA006353.
96-2704. Prewitt v. Nationwide Ins. Co.
Hamilton App. No. C-960341.

96-2708. Fairborn City School Dist. v. State Bd. of Edn.
Franklin App. No. 96APE04-416.

96-2717. Burns v. Daily.
Trumbull App. No. 95-T-5259.

96-2723. Langner v. Butler Cty. Joint Vocational School Dist.
Bd. of Edn.
Butler App. No. CA96-05-095.
Douglas and F.E. Sweeney, JJ., dissent.

96-2726. Jefferys v. State Farm Mut. Auto. Ins. Co.
Stark App. No. 1996CA00048. On motion for admission pro hac
vice of Michael P. Malakoff and Daniel M. Berger. Motion
denied.

96-2729. Hapgood v. Warren.
Trumbull App. No. 95-T-5355.
Douglas, J., dissents.

96-2738. State v. Kimbro.
Lorain App. No. 96CA006366.

96-2740. State v. Schulte.
Lake App. No. 94-L-186.

96-2744. Platinum Fin. Serv. Ltd. v. Gurney.
Cuyahoga App. No. 69481.
Moyer, C.J., dissents.

96-2748. Doe v. Cub Foods of Ohio, Inc.
Franklin App. No. 96APE04-395.
Lundberg Stratton, J., not participating.

96-2755. Humble v. Dobson.
Champaign App. No. 95CA12.
Douglas, J., dissents.

96-2768. Bratton v. E. Ohio Gas. Co.
Summit App. No. 18137.

96-2779. Easterday v. Gumm.
Ross App. No. 96CA2179.
Resnick, J., dissents.

96-2814. Satterfield v. Adams Cty./Ohio Valley School Dist.
Adams App. No. 95CA611. (Appeal by Phillip E. Satterfield and
cross-appeal of Adams County/Ohio Valley School District.)
Lundberg Stratton, J., dissents.

96-2822. Davis v. Johnson Publishing Co.
Summit App. No. 17688.
Moyer, C.J., dissents.

96-2826. Symmes Twp. Bd. of Trustees v. Hamm.
Hamilton App. No. C-960169.

96-2827. Hutchison v. S.M.C. Aluminum Foundry, Inc.
Wood App. No. WD-95-106.
Lundberg Stratton, J., dissents.
Resnick, J., not participating.

96-2835. Fillhart v. W. Res. Mut. Ins. Co.
Hancock App. No. 5-96-22.
Douglas and Resnick, JJ., dissent.

96-2842. Simpson v. Neidlinger.
Hamilton App. No. C-950649.
Cook, J., dissents.

96-2843. Orndorff v. Aldi, Inc.
Summit App. No. 17759.

96-2844. Richard Howard, Inc. v. Hogg.
Putnam App. No. 12-96-5.
Moyer, C.J., dissents.

RECONSIDERATION DOCKET

96-131. Estates of Morgan v. Fairfield Family Counseling Ctr.
Fairfield App. No. 94CA11. Reported at 77 Ohio St.3d 284, ___
N.E.2d ___. On motion for reconsideration. Motion denied.

Moyer, C.J., Cook and Lundberg Stratton, JJ., dissent.
On motion of Ohio Council of Community Mental Health and
Recovery Organizations for leave to file motion for
reconsideration. Motion denied.

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

96-2839. State v. Towns.
Franklin App. No. 95APA11-1496. Reported at 77 Ohio St.3d 1546,
___ N.E.2d ___. On motion for reconsideration. Motion denied.

Resnick, Pfeifer and Lundberg Stratton, JJ., dissent.