

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

1:00 P.M.

WEDNESDAY
January 20, 1999

MERIT DOCKET

96-1948. State ex rel. Smith v. Indus. Comm.

Franklin App. No. 95APD09-1123. Judgment reversed, relator's writ of mandamus granted, and cause returned to Industrial Commission to calculate temporary total disability.

Douglas, Resnick, F.E. Sweeney and Lundberg Stratton, JJ., concur.

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

96-2388. State ex rel. Ross v. Indus. Comm.

Franklin App. No. 96APD01-71. On Motion for Reconsideration. Reconsideration granted and judgment reversed.

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

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

97-506. State ex rel. Plonski v. Kimberly Quality Care.

Franklin App. No. 96APD05-613. Judgment reversed and delayed appeal permitted.

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

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

97-1187. State v. Goodwin.

Cuyahoga App. No. 68531. Judgment affirmed.

Douglas, Resnick, F.E. Sweeney and Lundberg Stratton, JJ., concur.

Moyer, C.J., Pfeifer and Cook, JJ., concur in part and dissent in part.

97-2118. Case Western Reserve University v. Tracy.

Board of Tax Appeals, No. 95-K-1280. Decision affirmed in part and reversed in part.

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

Cook and Lundberg Stratton, JJ., concur in part and dissent in part.

Pfeifer, J., dissents.

97-2362. State ex rel. Dietz v. Conrad.

Franklin App. No. 96APD12-1735. Judgment reversed and limited writ issued. See opinion.

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

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

97-2484. State ex rel. Clark v. Indus. Comm.

Franklin App. No. 96APD10-1310. Judgment reversed and writ allowed. See opinion.

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

Cook and Lundberg Stratton, JJ., dissent.

97-2545. State ex rel. Fresh Mark, Inc. v. Indus. Comm.

Franklin App. No. 96APD08-1122. Judgment affirmed consistent with the opinion of the court of appeals.

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

Lundberg Stratton, J., dissents.

97-2636. State ex rel. Musolff v. Cleveland Elec. Illum. Co.

Franklin App. No. 97APD01-74. Judgment affirmed consistent with the opinion of the court of appeals.

Moyer, C.J., Douglas, Resnick and Lundberg Stratton, JJ., concur.

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

Cook, J., not participating.

97-2696. State ex rel. Paster v. Indus. Comm.

Franklin App. No. 96APD09-1239. Judgment affirmed consistent with the opinion of the court of appeals.

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

98-847. State ex rel. Camargo v. Indus. Comm.

Franklin App. No. 97APD02-186. Judgment reversed and cause returned to the Industrial Commission for relief consistent with *State ex rel. Gay v. Mihm*.

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

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

98-870. State ex rel. Thomas v. Indus. Comm.

Franklin App. No. 97APD04-560. Judgment affirmed consistent with the opinion of the court of appeals.

Moyer, C.J., Resnick, Cook and Lundberg Stratton, JJ., concur.

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

98-893. State ex rel. Donaldson v. Indus. Comm.

Franklin App. No. 97APD05-613. Judgment affirmed consistent with the opinion of the court of appeals.

Moyer, C.J., Pfeifer, Cook and Lundberg Stratton, JJ., concur.

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

98-1067. State ex rel. Heinbaugh v. Conrad.

Franklin App. No. 97APD03-413. Judgment affirmed consistent with the opinion of the court of appeals.

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

Pfeifer, J., dissents.

98-1069. State ex rel. Martin v. Indus. Comm.

Franklin App. No. 97APD04-566. Judgment reversed and cause returned to Industrial Commission for relief consistent with *State ex rel. Gay v. Mihm*.

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

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

98-1688. State v. Perkins.

Hancock App. No. 5-98-6. Discretionary appeal allowed, judgment reversed on authority of *State v. Cook*, and cause remanded for sexual predator classification hearing.

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

98-1742. Cincinnati Bar Assn. v. Wolosin.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 97-68.

Gary E. Wolosin, a.k.a. Gary H. Ellison, is permanently disbarred.

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

98-1772. In re Application of Panepinto.

On Report of the Board of Commissioners on Character and Fitness, No. 166.

Mark Daniel Panepinto may reapply to take the July 1999 bar examination. See opinion.

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

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

98-1796. Akron Bar Assn. v. Thomas.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 97-88.

Gary Lee Thomas is suspended from the practice of law for two years with the second year stayed with condition.

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

Cook and Lundberg Stratton, JJ., dissent.

98-1798. Dayton Bar Assn. v. Millonig.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 97-80.

Arthur F. Millonig, Jr. is publicly reprimanded.

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

Cook and Lundberg Stratton, JJ., dissent.

98-1913. Russell v. Mitchell.

Richland App. No. 98 CA 66. Judgment affirmed.

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

98-1926. State v. Toda.

Wood App. No. WD-97-111. On review of order certifying a conflict. The court determines that no conflict exists within the meaning of S.Ct.Prac.R. IV(2)(B). This cause is therefore dismissed. See *State v. Cook* (1998), 83 Ohio St.3d 404, 700 N.E.2d 570.

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

98-1960. State v. Booher.

Huron App. No. H-97-050. Certification of conflict accepted, judgment reversed on authority of *State v. Cook*, and sexual-predator finding reinstated.

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

Resnick, J., not participating.

98-2046. State v. Toda.

Wood App. No. WD-97-111. Discretionary appeal allowed, judgment reversed on authority of *State v. Cook*, and cause remanded to conduct hearings.

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

98-2146. State v. Flynn.

Huron App. No. H-97-047. Certified conflict allowed, judgment reversed on authority of *State v. Cook*, and sexual-predator finding reinstated.

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

Resnick, J., not participating.