

**SUPREME COURT OF OHIO**

**COLUMBUS**

**ANNOUNCEMENT**

1:00 P.M.

WEDNESDAY  
September 1, 1999

**MERIT DOCKET**

**99-584. State ex rel. Budreaux v. Ryznar.**

In Mandamus. On motion for judgment and motion for submission of newly discovered evidence. *Sua sponte*, cause dismissed.

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

**99-982. State ex rel. Sovchik v. Cloverleaf Local School Bd. of Edn.**

Medina App. No. 2959-M. *Sua sponte*, cause dismissed.

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

**99-1120. State ex rel. Israfil v. Montgomery Cty. Common Pleas Court Judge Gowdown.**

In Mandamus. On motion to dismiss or, in the alternative, motion for summary judgment. 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.

**99-1142. OHIC Ins. Co. v. Ohio Ins. Guar. Assn.**

In Mandamus. On motion to dismiss by Ohio Insurance Guaranty Association. Motion to dismiss sustained. Cause dismissed.

Resnick, F.E. Sweeney and Pfeifer, JJ., dissent and would grant an alternative writ.

On motion to amend complaint in mandamus. Motion granted.

On request for oral argument. Request denied.

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

**99-1180. State ex rel. Conley v. Ghee.**

In Mandamus. On motion to dismiss of Margarette T. Ghee. Motion to dismiss sustained. Cause dismissed.

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

**99-1182. Brooks v. Dickinson.**

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.

**99-1215. State ex rel. Sevayega v. Russo.**

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.

**99-1230. State ex rel. Ledger v. Cuyahoga Cty. 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.

**99-1277. State ex rel. Watson v. Villanueva.**

In Mandamus. On answer of respondent and on motion for summary judgment. 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.

**99-1288. State ex rel. Gay v. State Personnel Bd. of Review.**

In Mandamus. On motion for summary judgment and on motion to dismiss original complaint. *Sua sponte*, cause dismissed.

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

**99-1298. Hill v. Anderson.**

In Habeas Corpus. On petition for writ of habeas corpus by John Hill, Jr. *Sua sponte*, cause dismissed.

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

**99-1324. State ex rel. Waver v. Huffman.**

In Habeas Corpus. On petition for writ of habeas corpus by James Waver. *Sua sponte*, cause dismissed.

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

**99-1334. Childs v. Lazaroff.**

In Habeas Corpus. On petition for writ of habeas corpus by James L. Childs. *Sua sponte*, cause dismissed.

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

**99-1357. State ex rel. Dillon v. Mahoning Cty. Court of Appeals Judges.**

In Mandamus. On motion to dismiss of Mahoning County Court of Appeals Judges. Motion to dismiss sustained. Cause dismissed.

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

**99-1380. State ex rel. Harrison v. Kainrad.**

In Habeas Corpus. On petition for writ of habeas corpus by Christopher G. Harrison. *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**

**99-426. State v. Randall.**

Clark App. No. 96CA0091.

**99-562. State v. Fortson.**

Cuyahoga App. No. 72229.

**99-651. State v. Caver.**

Stark App. No. 1997CA00252.

Lundberg Stratton, J., dissents and would allow on Propositions of Law Nos. I, II, and III.

Moyer, C.J., dissents.

**99-803. State v. Parsons.**

Hamilton App. No. C-980209.

**99-965. State v. Johnson.**

Hamilton App. No. C-980480.

Moyer, C.J., dissents, would allow, and would hold this cause for the decision in 98-2603, *State v. Edmonson*, Portage App. No. 97-P-0067.

Douglas, J., dissents.

**99-971. Randolph Twp. Trustees v. Mangold.**

Portage App. No. 97-P-0110. On motion for sanctions for frivolous action. Motion denied.

**99-975. State v. Plummer.**

Warren App. No. CA98-06-065.

**99-977. State v. Hawkins.**

Greene App. No. 98CA6.

**99-979. State v. Freeman.**

Hamilton App. Nos. C-970718, C-970719 and C-970720.

**99-980. In re Fulk.**

Crawford App. No. 3-99-4.

**99-984. Grand Bay of Brecksville Condominium v. Markos.**

Cuyahoga App. No. 73964.

**99-990. State v. Hansen.**

Wayne App. No. 98CA0025.

**99-995. State v. Rogers.**

Summit App. No. 19176.

Moyer, C.J., dissents.

**99-997. State v. Zizelman.**

Auglaize App. No. 2-98-33.

Moyer, C.J., dissents.

**99-1004. Dever v. Dever.**

Clermont App. No. CA98-07-050.

Resnick, J., dissents.

**99-1013. State v. Wyckhouse.**

Henry App. No. 7-98-17.

**99-1014. State v. Carroll.**

Warren App. No. CA98-09-124.

Moyer, C.J., dissents, would allow on Propositions of Law Nos. II and III, and would hold this cause for the decision in 99-765, *State v. Suffecool*, Stark App. No. 1998CA00101.

**99-1017. Youngstown v. Behen.**

Mahoning App. No. 98CA186.

**99-1019. State v. Carter.**

Allen App. No. 1-99-26.

**99-1021. State v. Whatley.**

Franklin App. No. 98AP-589.

**99-1022. State v. Michaels.**

Hamilton App. No. C-980466.

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

**99-1026. State v. Long.**

Franklin App. No. 98AP-726.

**99-1027. State v. Carson.**

Franklin App. No. 98AP-784.

**99-1028. Brokamp v. Mercy Hosp. Anderson.**

Hamilton App. No. C-971077.

Douglas, J., would allow on Propositions of Law Nos. I, II, III and IV.

**99-1034. State v. Manzanares.**

Wood App. No. WD-98-033.

Moyer, C.J., dissents.

Resnick, J., not participating.

**99-1037. State v. Graham.**

Licking App. No. 98CA082.

**99-1040. State v. Archer.**

Muskingum App. No. 98CA33.

**99-1043. State v. White.**

Cuyahoga App. No. 76300.

**99-1044. State v. Hatton.**

Pickaway App. No. 97CA34.

**99-1047. State v. Godbolt.**

Licking App. No. 98CA00101.

**99-1049. State v. Laferty.**

Vinton App. No. 97CA517.

**99-1050. State v. Wise.**

Fairfield App. No. 98CA24.

Moyer, C.J., dissents, would allow, and would consolidate this cause with 99-1022, *State v. Michaels*, Hamilton App. No. C-980466.

Lundberg Stratton, J., dissents.

**99-1051. State v. Klintworth.**

Knox App. No. 98CA000001.

**99-1055. State v. Beckett.**

Lucas App. No. L-98-1349.

**99-1056. State v. Bristow.**

Crawford App. No. 3-98-21.

**99-1061. Sagen v. Thrower.**

Cuyahoga App. No. 73954.

**99-1062. Perales v. Toledo.**

Lucas App. No. L-98-1397.

Douglas, J., dissents.

Resnick, J., not participating.

**99-1068. State v. Russell.**

Cuyahoga App. No. 73891.

**99-1069. State v. Shepherd.**

Summit App. No. 18998.

Cook, J., not participating.

**99-1070. State v. Johnson.**

Muskingum App. No. CT980029.

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

**99-1073. State v. Dickason.**

Stark App. No. 99CA0009.

**99-1075. State v. Hull.**

Clermont App. No. CA98-07-053.

**99-1076. State v. Abdullah.**

Clermont App. No. CA98-08-065.

**99-1079. State v. Fulton.**

Knox App. No. 98CA14.

**99-1080. State v. Torres.**

Fulton App. No. F-98-017.

**99-1082. State v. Jenkins.**

Lake App. No. 97-L-303.

**99-1083. State v. Wood.**

Franklin App. No. 98AP-1006.

**99-1085. State v. Brown.**

Athens App. Nos. 98CA14 and 98CA15.

**99-1086. State v. Barcus.**

Athens App. Nos. 98CA34 and 98CA35.

**99-1087. State v. Johnson.**

Licking App. No. 98CA86.

**99-1090. State v. Edwards.**

Hamilton App. Nos. C-980208 and C-980368.

**99-1093. Senn v. B.F. Goodrich Co.**

Summit App. No. 19152.

**99-1094. Ashcraft v. Univ. of Cincinnati Hosp., Aring Neurological Inst.**

Franklin App. No. 98AP-948.

**99-1096. State v. Karl.**

Summit App. No. 19144.

**99-1098. In re Guess.**

Athens App. No. 99CA4.

Lundberg Stratton, J., dissents.



**99-1100. State v. Reese.**

Mahoning App. No. 98CA33.

**99-1101. State v. Clemons.**

Hamilton App. No. C-980456.

**99-1102. State v. Teasley.**

Hamilton App. No. C-980041.

**99-1103. Cavanaugh Bldg. Corp. v. Liberty Elec. Co.**

Summit App. No. 19146.

Pfeifer, J., dissents.

**99-1105. In re Gibson.**

Crawford App. Nos. 3-98-26, 3-98-27 and 3-98-28.

Moyer, C.J., dissents.

**99-1108. State v. Jones.**

Clark App. No. 98CA42.

Pfeifer, J., dissents.

**99-1112. State v. Richardson.**

Hamilton App. No. C-980655.

**99-1121. State v. Blackburn.**

Franklin App. No. 98AP-894.

**99-1124. Tricke, Inc. v. Ohio Dept. of Liquor Control.**

Hamilton App. No. C-980662.

**99-1132. Moore v. Daw.**

Muskingum App. No. CT980023.

F.E. Sweeney and Lundberg Stratton, JJ., dissent.

**99-1149. State v. Brewer.**

Montgomery App. No. CA17201.

**99-1167. State v. Baker.**

Stark App. No. 1997CA00362.

**99-1183. State v. Sawyer.**

Butler App. No. CA98-07-140.

**99-1219. State v. Manderbach.**

Hamilton App. No. C-970934.

**99-1236. In re Maloney.**

Columbiana App. No. 95CO74.

Pfeifer, J., dissents.

**99-1252. State v. Johnson.**

Cuyahoga App. No. 72541.

**99-1255. State v. Wyche.**

Franklin App. No. 98AP-1025.

**MOTION DOCKET**

**98-2449. State v. Issa.**

Hamilton C.P. No. B9709438. On motion for admission *pro hac vice* of Thomas H. Speedy Rice by Martin S. Pinales. Motion granted.

**98-2572. Home Builders Assn. of Dayton & the Miami Valley v. Beavercreek.**

Greene App. Nos. 97CA113 and 97CA115. On motion for admission *pro hac vice* of Christopher Senior by Michael P. McNamee. Motion granted.

**99-93. State v. Hanna.**

Warren C.P. No. 98CR17677. On motion to supplement record. Motion granted.

**99-164. Brown v. Dayton.**

Montgomery App. Nos. 16875 and 16876. On motion to strike proposition from merit brief of city of Dayton. Motion denied.

**99-206. Humphrey v. Lane.**

Hocking App. No. 98CA4. On motion for admission *pro hac vice* of Edward B. Foley by David M. Gormley. Motion granted.

**99-1058. State v. Williams.**

Cuyahoga App. Nos. 64925 and 68690. On motion for leave to file delayed appeal. Motion denied.

**99-1095. Williams v. Williams.**

Warren App. No. CA98-09-114. On review of order certifying a conflict. The court determines that a conflict exists; the parties are to brief the issue stated in the court of appeals' Entry Granting Motion to Certify filed May 14, 1999, at pages 1 to 2:

"The above cause is before the court pursuant [to] a motion to certify conflict filed by counsel for appellant, Charles Williams, on April 8, 1999. Appellant contends that this court's decision in the above case conflicts with decisions by other appellate courts with respect to how child support is to be calculated when the child receives social security benefits due to the disability of a parent. Appellant therefore contends that our decision is in conflict with decisions by the Seventh District Court of Appeals in *Stephenson v. Stephenson* (Mar. 18, 1996), Mahoning App. No. 94 C.A. 67, unreported [1996 WL 133000], and the Second Appellate District in *McClure v. McClure* (Sept. 27, 1996), Montgomery App. No. 95-CA-86, unreported [1996 WL 562793].

"Upon due consideration of the foregoing, the court finds that there is a conflict between the decision in the subject case and the *Stephenson* and *McClure* cases. Appellant's motion for certification is hereby GRANTED. The issue for certification shall be as follows: Should a disabled parent's child support obligation be directly set off by social security payments received on behalf of a minor child, or should the joint child support obligation of both parties be reduced by the amount of the social security payments."

*Sua sponte*, cause consolidated with 99-934, *infra*.

**99-1226. State v. Booth.**

Franklin App. No. 98AP-944. On motion for leave to file delayed appeal. Motion denied.

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

**99-1297. State v. Eubanks.**

Cuyahoga App. No. 73421. On motion for leave to file delayed appeal. Motion denied.

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

**99-1304. State v. Sandoval.**

Sandusky App. No. S-95-055. On motion for leave to file delayed appeal. Motion denied.

**99-1305. State v. Koniski.**

Jefferson App. No. 90J1. On motion for leave to file delayed appeal. Motion denied.

**99-1307. State v. Pariscoff.**

Fairfield App. No. 97CA41. On motion for leave to file delayed appeal. Motion denied.

**99-1351. State v. Stoll.**

Lucas App. No. L-96-112. On motion for leave to file delayed appeal. Motion denied.

Resnick, J., not participating.

**99-1391. State v. Black.**

Hamilton App. No. C-980197. On motion for leave to file delayed appeal. Motion denied.

**99-1413. State v. Gutierrez.**

Lucas App. No. L-97-1278. On motion for leave to file delayed appeal. Motion denied.

**99-1415. State v. Fincher.**

Franklin App. No. 97APA04-494. On motion for leave to file delayed appeal. Motion denied.

**99-1518. Berry v. Greene.**

In Habeas Corpus. *Sua sponte*, alternative writ granted.

Moyer, C.J., Resnick and Cook, JJ., dissent and would dismiss the cause.

**99-1552. State ex rel. Ohio Patrolmen's Benevolent Assn. v. Mentor.**

In Mandamus. Upon consideration of relators' request for an expedited schedule,

IT IS ORDERED that the request is DENIED and that this cause is referred for a settlement conference pursuant to S.Ct.Prac.R. XIV(6). This referral does not alter respondents' duty under S.Ct.Prac.R. X(5) to file a response to relators' complaint.

Douglas, J., dissents and would grant the motion.

## **DISCRETIONARY APPEALS ALLOWED**

### **99-788. State v. Eppinger.**

Cuyahoga App. No. 72686. Discretionary appeal allowed; *sua sponte*, cause held for the decision in 99-765, *State v. Suffecool*, Stark App. No. 1998CA00101; briefing schedule stayed.

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

### **99-818. Retterer v. Whirlpool Corp.**

Marion App. No. 9-98-55. Discretionary appeal allowed and motion for admission *pro hac vice* of David J. Parsons and Shanthi V. Gaur by Thomas A. Frericks granted.

Cook and Lundberg Stratton, JJ., dissent.

### **99-826. Joseph v. CSX Transp. Co.**

Seneca App. No. 13-98-68. Discretionary appeal allowed.

Cook, J., would hold this cause for the decision in 99-219, 222, 223 and 224, *Karr v. Borchardt*, Seneca App. Nos. 13-98-33, 13-98-36, 13-98-35 and 13-98-34.

Pfeifer and Lundberg Stratton, JJ., dissent.

### **99-848. Paton v. Paton.**

Allen App. No. 1-98-74. Discretionary appeal allowed; *sua sponte*, cause held for the decision in 99-1095, *Williams v. Williams*, Warren App. No. CA98-09-114; briefing schedule stayed.

### **99-875. Kirby v. Pioneer Ins. Co.**

Warren App. No. CA98-09-120. Discretionary appeal allowed; *sua sponte*, cause held for the decision in 99-85, *Cicco v. Stockmaster*, Huron App. No. H-98-016; briefing schedule stayed.

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

### **99-924. York v. Mayfield Neurological Inst., Inc.**

Butler App. Nos. CA96-08-164 and CA97-03-057. Discretionary appeal allowed.

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

Discretionary cross-appeal allowed.

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

**99-925. Lippert v. Peace.**

Hancock App. No. 5-99-01. Discretionary appeal allowed; *sua sponte*, cause held for the decision in 99-219, 222, 223 and 224, *Karr v. Borchardt*, Seneca App. Nos. 13-98-33, 13-98-36, 13-98-35 and 13-98-34; briefing schedule stayed.

F.E. Sweeney, J., dissents.

**99-934. Williams v. Williams.**

Warren App. No. CA98-09-114. *Sua sponte*, cause consolidated with 99-1095, *supra*.

**99-1099. State v. Fink.**

Stark App. No. 1998CA00348. Discretionary appeal allowed; *sua sponte*, cause held for the decision in 99-765, *State v. Suffecool*, Stark App. 1998CA00101; briefing schedule stayed.

Lundberg Stratton, J., would allow only on Propositions of Law Nos. III, IV, and V, and would hold for 99-765, *supra*.

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

**DISCRETIONARY APPEALS NOT ALLOWED**

**99-959. State v. Norwood.**

Cuyahoga App. No. 73633.

Resnick, J., dissents.

**99-992. Wethington v. Univ. of Cincinnati Hosp.**

Hamilton App. No. C-980656.

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

**99-996. Smith v. Osteomed, Inc.**

Franklin App. No. 98AP-911.

Douglas, J., dissents.

**99-1006. State v. Bennett.**

Clinton App. No. CA98-06-016.

**99-1011. State v. Guess.**

Summit App. No. 18252.

**99-1018. Newman v. Salamander Indus. Products, Inc.**  
Hamilton App. Nos. C-970811, C-970843 and C-970879.

**99-1020. Gismondi v. M & T Mtge. Corp.**  
Franklin App. No. 98AP-584.

**99-1023. The Cadle Co. v. White.**  
Hamilton App. No. C-980492.  
Moyer, C.J., and Douglas, J., dissent.

**99-1035. Daniels v. Arthur Treacher's, Inc.**  
Hamilton App. No. C-980642.  
Pfeifer, J., dissents.

**99-1039. Behavior Mgt. Assoc. v. Buccilli.**  
Lake App. No. 98-L-071.

**99-1042. Professional Balance Co. v. Fulton & Assoc. Balance Co.**  
Lake App. No. 97-L-238.  
Resnick and F.E. Sweeney, JJ., dissent.

**99-1046. Hornung v. Hornung.**  
Cuyahoga App. Nos. 73659 and 73667.

**99-1052. Holder v. Holder.**  
Butler App. No. CA98-08-170.

**99-1053. State v. McCauley.**  
Cuyahoga App. No. 73892.

**99-1064. Mayo v. Kenwood Country Club, Inc.**  
Hamilton App. No. C-980528.  
Resnick and Pfeifer, JJ., dissent.

**99-1065. Renicker v. Smith.**  
Tuscarawas App. No. 1998AP090107.  
Moyer, C.J., and Lundberg Stratton, J., dissent.

**99-1066. Princeton City School Dist. Bd. of Edn. v. Princeton Assn. of Classroom Educators, OEA/NEA.**

Hamilton App. No. C-980793.

**99-1078. Foster v. England.**

Fairfield App. No. 98CA57.

**99-1084. GRE Ins. Group v. Internatl. EPDM Rubber Roofing Sys., Inc.**

Lucas App. No. L-98-1387.

Cook, J., dissents.

**99-1091. Perez v. Ponce.**

Summit App. No. 18996.

**99-1125. McMillian v. Haueter.**

Geauga App. Nos. 98-G-2124 and 98-G-2125.

F.E. Sweeney, J., dissents.

**99-1135. Warstler v. Hein.**

Cuyahoga App. No. 74078.

F.E. Sweeney, J., dissents.

**99-1136. State v. Pettis.**

Cuyahoga App. No. 74989.

**99-1151. Harper v. Imm.**

Hamilton App. No. C-980768.

Resnick, J., dissents.

**RECONSIDERATION DOCKET**

**91-1259. Forbes v. Midwest Air Charter, Inc.**

Cuyahoga App. No. 56815. Reported at 86 Ohio St.3d 83, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

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

**98-1. Specht v. BP Am., Inc.**

Cuyahoga App. No. 71899. Reported at 86 Ohio St.3d 29, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

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



**98-522. Northwood v. Wood Cty. Regional Water Sewer Dist.**

Wood App. No. WD-97-010. Reported at 86 Ohio St.3d 92, \_\_\_ N.E.2d \_\_\_. On *amicus curiae* motion for leave to file under S.Ct.Prac.R. XI. Motion denied for want of four votes on the following vote:

Moyer, C.J., F.E. Sweeney and Pfeifer, JJ., vote no.

Douglas, Cook and Lundberg Stratton, JJ., vote yes.

Resnick, J., not participating.

**98-1061. Ottawa Cty. Bd. of Commrs. v. Marblehead.**

Ottawa App. No. OT-97-031. Reported at 86 Ohio St.3d 43, \_\_\_ N.E.2d \_\_\_. On *amicus curiae* motion for leave to file under S.Ct.Prac.R. XI and on motion for reconsideration by village of Marblehead. The motions are denied for want of four votes on the following vote:

Pfeifer, Cook and Lundberg Stratton, JJ., vote no.

Douglas and F.E. Sweeney, JJ., vote yes.

Moyer, C.J., and Resnick, J., not participating.

**98-1927. Madera v. Satellite Shelters, Inc.**

Cuyahoga App. No. 73172. Reported at 86 Ohio St.3d 1202, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

Douglas and Resnick, JJ., dissent.

**98-2640. Akron Bar Assn. v. Hoffer.**

Reported at 86 Ohio St.3d 97, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

**99-165. State ex rel. Forsyth v. Brigner.**

Montgomery App. No. 17467. Reported at 86 Ohio St.3d 71, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration and motion to certify issue to United States Supreme Court. Motions denied.

**99-900. Cook v. Cincinnati.**

Hamilton App. No. C-980552. Reported at 86 Ohio St.3d 1416, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

**99-1031. State v. Stefanski.**

Marion App. No. 9-98-63. Reported at 86 Ohio St.3d 1418, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

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