

ATTENTION

DIRECT ANY QUESTIONS ABOUT THE ANNOUNCEMENT TO WALTER S. KOBALKA,
REPORTER OF DECISIONS, AND DEBORAH J. BARRETT AT (614) 466-4961 OR
1-800-826-9010.

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

1:00 P.M.

WEDNESDAY
September 22, 1993

MERIT DOCKET

92-311. State v. Evans.

Cuyahoga County. Appeal from the Court of Appeals for Cuyahoga
County, No. 59506. Judgment reversed and cause remanded.

Moyer, C.J., Douglas, Resnick and F.E. Sweeney, JJ., concur.
A.W. Sweeney, Wright and Pfeifer, JJ., dissent.

92-1120. Akron v. Rowland.

Summit County. Appeal from the Court of Appeals for Summit County,
No. 15307. Judgment reversed and cause remanded.

Moyer, C.J., A.W. Sweeney, Wright and Pfeifer, JJ., concur.
Douglas, Resnick and F.E. Sweeney, JJ., dissent.

92-1147. McIntyre v. Ohio Elections Comm.

Franklin County. Appeal from the Court of Appeals for Franklin
County, No. 90AP-1221. Judgment affirmed.

Moyer, C.J., A.W. Sweeney, Douglas, Resnick, F.E. Sweeney and
Pfeifer, JJ., concur.
Wright, J., dissents.

92-1216. Cecil v. Cottrill.

Hocking County. Appeal from the Court of Appeals for Hocking County,
No. 91CA10. Judgment reversed in part.

Moyer, C.J., A.W. Sweeney, Douglas, Resnick, F.E. Sweeney and
Pfeifer, JJ., concur.
Wright, J., dissents.

93-388. Disciplinary Counsel v. Ball.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 91-34. Claire M. Ball, Jr. is suspended from the practice of law for six months.

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

Wright and Pfeifer, JJ., dissent.

93-712. State ex rel. Miliner v. Ohio Adult Parole Auth.

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

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

93-814. State ex rel. Barnes v. Ohio Adult Parole Auth., Dept. of Rehab. & Corr.

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

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

93-1179. Perry v. State.

In Habeas Corpus. Sua sponte, cause dismissed.

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

93-1343. State ex rel. Newland v. Ohio Adult Parole Auth.

In Mandamus. On answer of respondent. Sua sponte, cause dismissed.

Moyer, C.J., A.W. Sweeney, Wright and Resnick, JJ., concur.

Douglas, F.E. Sweeney and Pfeifer, JJ., dissent, and in the absence of a meaningful answer prepared by the Attorney General, would grant an alternative writ.

93-1358. State ex rel. Evans v. Moyer.

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

A.W. Sweeney, Douglas, Wright, Resnick and F.E. Sweeney, JJ., concur.

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

93-1373. State ex rel. Clinton v. Erie Cty. Court of Appeals.

In Mandamus. On motion for summary judgment. Sua sponte, cause dismissed.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, F.E. Sweeney and Pfeifer, JJ., concur.

Resnick, J., not participating.

93-1389. State ex rel. Johnson v. Wilkinson.

In Mandamus. On answer of respondent and motion to amend complaint. Sua sponte, cause dismissed.

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

Pfeifer, J., dissents, would grant the motion to amend, and would grant the writ.

93-1398. State ex rel. Shabaa v. Russell.

In Mandamus. On answer of respondent and motion to compel. Sua sponte, cause dismissed.

Moyer, C.J., A.W. Sweeney, Wright and Resnick, JJ., concur.

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

93-1439. Kane v. Mazer Corp.

Montgomery County, No. 13550. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

Pfeifer, J., dissents.

93-1442. State ex rel. Tolliver v. Wilkerson.

In Mandamus. On answer of respondent and motion to strike. Sua sponte, cause dismissed.

Moyer, C.J., A.W. Sweeney, Wright and Resnick, JJ., concur.

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

93-1480. State ex rel. Jacobs v. Mahoning Cty. Court of Common Pleas.

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

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

93-1505. State ex rel. Dennis v. Franklin Cty. Court of Common Pleas.

In Mandamus. Sua sponte, cause dismissed.

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

DISMISSALS, SUA SPONTE, NO SUBSTANTIAL CONSTITUTIONAL
QUESTION AND JURISDICTIONAL MOTIONS OVERRULED

93-39. State v. Moore.

Franklin County, No. 91AP-887.

Resnick, J., dissents.

93-432. Parzynski v. Parzynski.

Erie County, No. E-91-30.

93-680. Habe v. S. Euclid Civ. Serv. Comm.

Cuyahoga County, No. 61786.

93-825. State v. Jaschik.

Trumbull County, No. 91-T-4621.

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

93-858. State v. Marryott.

Franklin County, No. 92AP-1035.

93-907. State v. Horning.

Cuyahoga County, No. 61679. On motion for leave to appeal and on motion for leave to file amicus of Phoenix Society of Cuyahoga County. Motions denied.

Wright and Pfeifer, JJ., dissent.

93-941. Hubbard v. Laurelwood Hosp.
Lake County, No. 92-L-032.
Moyer, C.J., and Resnick, J., dissent.

93-983. State v. Coleman.
Hamilton County, No. C-900811.

93-984. State v. Coleman.
Hamilton County, No. C-910083.

93-986. Smythe v. Butler Twp.
Montgomery County, No. 13403.

93-1018. Wrightsel v. Ross-Co. Redi-Mix, Inc.
Ross County, No. 1791.
Moyer, C.J., and Wright, J., dissent.

93-1033. State v. Castleberry.
Franklin County, No. 92AP-336.
Wright, J., dissents.

93-1059. Putka v. Parma.
Cuyahoga County, No. 61775.
Moyer, C.J., and Wright, J., dissent.

93-1104. In re Mowery.
Seneca County, Nos. 13-92-29 and 13-92-30.

93-1108. State v. Smith.
Mahoning County, No. 88 C.A. 29.
Wright, J., would allow on Proposition of Law Nos. I and II only.

93-1111. State v. Howard.
Lucas County, No. L-92-261.
Wright, J., dissents.

93-1112. State v. Crum.
Franklin County, No. 92AP-1175.

93-1116. In re Shaeffer.
Van Wert County, No. 15-92-11.
Pfeifer, J., dissents.

93-1125. State v. Howard.
Cuyahoga County, No. 62191.

93-1128. State v. Cooper.
Cuyahoga County, No. 61971.
Wright and Pfeifer, JJ., dissent.

93-1130. State v. Hale.
Cuyahoga County, No. 61970.
Pfeifer, J., dissents.

93-1131. State v. Swortcheck.
Cuyahoga County, No. 61804.

93-1149. Hanni v. Cleveland Elec. Illum. Co.
Cuyahoga County, No. 62258.
F.E. Sweeney, J., not participating.

93-1172. State v. Miller.
Cuyahoga County, No. 62192.
Pfeifer, J., dissents.

93-1173. State v. Powell.
Cuyahoga County, No. 62072.

93-1177. State v. DeBose.
Cuyahoga County, No. 61870.
Moyer, C.J., Wright and Pfeifer, JJ., dissent.

93-1186. State v. Black.
Hamilton County, Nos. C-920341, C-920342 and C-920343.
Pfeifer, J., dissents.

93-1189. State v. Hamilton.
Montgomery County, No. 13646.

93-1192. State v. Tillimon.
Lucas County, Nos. L-91-432 and L-91-433.
Wright, J., dissents.

93-1200. State v. Payton.
Cuyahoga County, No. 62243.

93-1202. State v. Ruff.
Franklin County, No. 92AP-1625.
Douglas, Resnick and Pfeifer, JJ., dissent.

93-1210. In re Bremmer.
Cuyahoga County, No. 62088.

93-1212. State v. Copeland.
Franklin County, No. 92AP-1486.

93-1213. Dickerson v. Thompson.
Cuyahoga County, No. 57122.
Wright, J., dissents.

93-1214. Dickerson v. Thompson.
Cuyahoga County, No. 57122.
Wright, J., dissents.

93-1215. Mathews v. Dugan.
Summit County, No. 15827.

93-1221. State v. Crum.
Cuyahoga County, No. 61803.
Wright, J., dissents.

93-1232. State v. Jackson.
Lorain County, No. 92CA005383.

Wright, J., dissents.

93-1237. State v. Cunningham.
Cuyahoga County, Nos. 61858 and 61859.

93-1244. State v. Pollard.
Cuyahoga County, No. 62085.

93-1250. Rex Reliable Heating & Air Conditioning, Inc. v. Mellett
Bldg. Partnership.
Stark County, No. CA-9092.
Pfeifer, J., dissents.

93-1255. State v. Allensworth.
Muskingum County, No. CA-925.

93-1256. State v. Mitchell.
Cuyahoga County, No. 64231.

93-1266. State v. St. Clair.
Hamilton County, No. C-920515.

93-1288. State v. Smith.
Hamilton County, Nos. C-920448, C-920449 and C-920450. On motions for
leave to appeal and to supplement memorandum. Motions denied.

93-1291. Fairfield Homes, Inc. v. Ballinger.
Fairfield County, No. 37CA92.

93-1315. State v. Sampson.
Hamilton County, No. C-890385.

93-1392. State v. Dyson.
Hamilton County, No. C-920635.
Wright, J., dissents.

93-1430. State v. O'Banion.
Hamilton County, Nos. C-920166 and C-920769.

MOTION DOCKET

91-199. State v. Wyant.
Delaware County, No. 90CA2. On motion for leave to file amicus of
American Civil Liberties Union of Ohio and for extension of time to
file amicus. Motion granted.
F.E. Sweeney, J., dissents.

92-1875. Newman v. United Ohio Ins. Co.
Lawrence County, No. 91CA26. On motion for leave to file amicus of
Ohio Academy of Trial Lawyers instanter. Motion granted.
Moyer, C.J., dissents because the motion is out of rule.

93-256. Thomas v. Newark City School Dist. Bd. of Edn.
Licking County, No. 92CA53. On motion for leave to file amicus of
Ohio School Boards Associations instanter. Motion granted.

93-280. Freeman v. Norfolk & W. Ry. Co.
Erie County, No. E-90-68. On motion for leave to file amicus of Ohio Academy of Trial Lawyers instanter. Motion granted.

Moyer, C.J., and Wright, J., dissent because the motion is out of rule.

Resnick, J., not participating.

93-294. Liddell v. SCA Serv. of Ohio, Inc.
Cuyahoga County, No. 61129. On motion for leave to file amicus of Ohio Academy of Trial Lawyers. Motion granted.

Moyer, C.J., dissents.

92-2326. Ohio Council 8, AFSCME, AFL-CIO v. Summit Cty. Child Support Enforcement Agency.

Franklin County, No. 92AP-304. On motion for leave to file amicus of Ohio School Boards Association instanter. Motion granted.

92-2382. Sorrell v. Thevenir.
Gallia County, No. 91CA4. On motion for leave to file amicus of Ohio Head Injury Association. Motion granted.

Moyer, C.J., dissents.

93-493. State v. Lowe.
Logan County, No. 8-92-36. On motion for leave to file amicus of Ohio Prosecuting Attorneys Association and on motion for extension of time to file amicus. Motions granted.

93-531. State v. Gilliam.
Lorain County, No. 92CA005331. On motion for leave to file amicus of Ohio Association of Criminal Defense Lawyers. Motion granted.

93-578. Lee v. Ohio Adult Parole Auth.
In Habeas Corpus. On motion for relief from judgment. Motion denied.

93-592. Horton v. Addy.
Montgomery County, No. 13524. On motion to reconsider denial of extension of time to file brief. Motion and extension granted.

93-705. State ex rel. Eberhart v. Flxible Corp.
Franklin County, No. 92AP-492. On motion for leave to exceed page limit. Motion granted.

93-718. Ohio Council 8, AFSCME, AFL-CIO v. Cincinnati.
Franklin County, No. 92AP-782. On motion for leave to file amicus of Ohio Association of Public School Employees and on motion to supplement the record. Motions granted.

93-740. Henderson v. Lincoln Natl. Specialty Ins. Co.
Certified Question of State Law, No. 393CV7036. On motion for leave to file amicus of Ohio Academy of Trial Lawyers and for extension of time to file. Motion granted.

Moyer, C.J., and Wright, J., dissent.

93-888. State v. Quisenberry.
Hancock County, No. 5-92-17. On motion for leave to file amicus of Ohio Prosecuting Attorneys Association. Motion granted.

Moyer, C.J., dissents.

93-930. Copeland v. Delvaux.

Lucas County, No. L-91-389. On motion for leave to exceed page limit or for extension. Motion granted.

Moyer, C.J., and Wright, J., dissent.

Resnick, J., not participating.

93-961. Vallish v. Copley Bd. of Edn.

Summit County, No. 15664. On motion for leave to file record instanter. Motion granted.

Moyer, C.J., and F.E. Sweeney, J., dissent.

93-1102. Cramer v. Petrie.

Hancock County, No. 5-92-47. On motions for leave to file amicus of the State of Ohio instanter, and of the Ohio Department of Human Services Directors' Association. Motions granted.

93-1118. May v. Hendon.

Hamilton County, No. C-920381. On motion to treat memorandum in support as brief on the merits. Motion granted.

F.E. Sweeney, J., dissents.

93-1187. State ex rel. Hill v. Niehaus.

Hamilton County, No. C-930266. On motion for leave to file appellant's brief instanter. Motion granted.

93-1403. Geisert v. Ohio Motor Vehicle Dealers Bd.

Lake County, No. 92-L-111. On motion to strike. Motion denied.

Moyer, C.J., dissents.

On motion for leave to file memorandum in support instanter. Motion granted.

Moyer, C.J., dissents.

93-1467. State ex rel. Ellis v. Tuscarawas Cty. Court of Common Pleas.

In Mandamus. Sua sponte, alternative writ granted.

93-1520. State v. Gill.

Cuyahoga County, No. 62363. On motion for leave to file delayed appeal. Motion granted.

93-1527. State v. Posey.

Cuyahoga County, No. 65461. On motion for leave to exceed page limit. Motion denied.

93-1528. State v. Fox.

Lucas County, No. L-89-120. On motion for leave to file delayed appeal. Motion denied.

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

On motion to produce/transmit the record. Motion denied.

93-1530. J.A. Croson Co. v. Zanesville.

Muskingum County, No. CA-9245. On motion for leave to file amicus of Associated General Contractors of Ohio. Motion granted.

93-1542. In re Belden.

Miami County, No. 92CA21. On motion for leave to file memorandum in support instanter. Motion granted.

F.E. Sweeney, J., dissents.

93-1555. State v. Salem.
Cuyahoga County, No. 59700. On motion for leave to file delayed
appeal. Motion granted.

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

93-1557. State v. Paris.
Ashtabula County, No. 91-A-1661. On motion for leave to file delayed
appeal. Motion granted.

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

On motion to dismiss and on motion to strike. Motions denied.

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

93-1565. State v. Harper.
Hamilton County, No. C-930372. On motion for leave to file delayed
appeal. Motion granted.

A.W. Sweeney, Wright and F.E. Sweeney, JJ., dissent.

93-1570. State v. Seymour.
Stark County, No. CA-8897. On motion for leave to file delayed
appeal. Motion granted.

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

93-1588. Schulte v. Schulte.
Wood County, No. 91WD075. On motion for leave to supplement
memorandum in support. Motion granted.

Wright, J., dissents.

93-1594. Murphy v. Murphy.
Cuyahoga County, No. 60892. On motion for leave to file notice of
appeal instant. Motion denied.

Pfeifer, J., dissents.

93-1605. State v. Walker.
Cuyahoga County, No. 62293. On motion for leave to file delayed
appeal. Motion granted.

93-1681. State v. Hartley.
Morrow County, No. CA-781. On motion for leave to exceed page limit.
Motion denied.

Douglas, J., dissents.

93-1682. State v. Messineo.
Athens County, Nos. 92CA1488 and 92CA1493. On motion for leave to
file delayed appeal. Motion granted.

A.W. Sweeney, Wright and F.E. Sweeney, JJ., dissent.

93-1791. State ex rel. Sheely v. Eleventh Dist. Court of Appeals for
Portage Cty.
In Mandamus. On motion for peremptory writ. Sua sponte, alternative
writ granted.

Resnick and Pfeifer, JJ., would grant a peremptory writ.

JURISDICTIONAL MOTIONS ALLOWED

93-1070. Strack v. Pelton.
Ashtabula County, No. 92-A-1751.
Douglas, Wright and F.E. Sweeney, JJ., dissent.

93-1081. Galanos v. Cleveland.
Cuyahoga County, No. 63506.
A.W. Sweeney, Wright and F.E. Sweeney, JJ., dissent.

93-1115. In re Petition for Incorporation of Holiday City, Ohio.
Williams County, No. 92WM000011.
A.W. Sweeney and F.E. Sweeney, JJ., dissent.
Resnick, J., not participating.

93-1147. State v. Manley.
Allen County, No. 1-91-83. On motion for leave to appeal. Motion
denied.
Douglas, J., dissents.
On cross-motion for leave to appeal and on motion for leave to file
memorandum in support of cross-appeal instant. Motions allowed.
A.W. Sweeney, Wright and F.E. Sweeney, JJ., dissent.

93-1176. State v. Jackson.
Hamilton County, Nos. C-910777, C-910778, C-910779 and C-910780.
Moyer, C.J., A.W. Sweeney and Wright, JJ., dissent.

93-1242. Myers v. Forest City Ent., Inc.
Stark County, No. CA-9129.
Moyer, C.J., Wright and Resnick, JJ., dissent.

93-1333. State v. Wills.
Montgomery County, No. 13409.
A.W. Sweeney, Wright and F.E. Sweeney, JJ., dissent.

JURISDICTIONAL MOTIONS OVERRULED

93-655. Gross v. Western-Southern Life Ins. Co.
Hamilton County, Nos. C-910305 and C-910562. On motions to certify
the record, for leave to exceed page limit, to amend memorandum, and
to strike. Motions denied.

93-659. Lazuta v. Lazuta.
Cuyahoga County, No. 63876.

93-717. State v. Jones.
Cuyahoga County, No. 61279.
F.E. Sweeney, J., not participating.

93-773. Keller v. Guyton.
Cuyahoga County, No. 61363.
Douglas and Wright, JJ., dissent.

93-777. Children's Hosp. v. Martin.
Franklin County, No. 92AP-767.

93-815. Small v. Defiance Pub. Library.
Defiance County, No. 4-92-20.

Douglas and Pfeifer, JJ., dissent.

93-862. Braun v. Pikus.
Cuyahoga County, No. 61852.

93-948. Sanders v. Webb.
Pike County, No. 472.

93-1016. Smith v. Berry.
Montgomery County, No. 13431.
Douglas, J., dissents.

93-1022. Melendrez v. Melendrez.
Delaware County, No. 92CAF11041.
Moyer, C.J., dissents.

93-1031. State v. Frambach.
Lorain County, No. 92CA005395.

93-1101. Miller v. Ohio Rehab. Serv. Comm.
Franklin County, No. 92AP-1111.

93-1105. McCune v. Brandon.
Coshocton County, No. 92CA13.

93-1109. State v. Scott.
Lucas County, No. L-93-085.

93-1119. DeVita v. Foster.
Allen County, No. 1-92-102.

93-1124. State v. Stephens.
Muskingum County, No. CA-9219.

93-1132. Nagorski v. Valley View.
Cuyahoga County, No. 62127. On motion and cross-motion to certify the
record. Motions denied.
Wright, J., dissents.

93-1133. Sahely v. Ohio State Racing Comm.
Franklin County, No. 92AP-1430.

93-1141. Natl. Freight, Inc. v. Limbach.
Cuyahoga County, No. 62102.
Pfeifer, J., dissents.

93-1152. Burchette v. Natl. Mut. Ins. Co.
Shelby County, No. 17-92-26.
Wright, J., dissents.

93-1156. Freeland v. Pfeiffer.
Summit County, No. 15812.
Moyer, C.J., and Pfeifer, J., dissent.

93-1163. Lewis v. Cotton Club Bottling Co.
Summit County, No. 15830.
Douglas and Resnick, JJ., dissent.

93-1164. Pittsburgh Natl. Bank v. Motorist Mut. Ins. Co.
Summit County, No. 15766.

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

93-1174. Barksdale v. Pritchard Serv., Inc.
Franklin County, No. 93AP-134. On motions to certify the record, for
leave to file amicus of Ohio Hospital Association, and for leave to
proceed pro hac vice. Motions denied.

A.W. Sweeney, Douglas and Resnick, J.J., dissent.

93-1185. Santana v. Auto-Owners Ins. Co.
Lucas County, No. L-92-262. On motion to certify the record and on
motion to consolidate with 93-1349, Santana v. Auto-Owners Ins. Co.,
Lucas County, No. L-92-262. Motions denied.

Moyer, C.J., and Wright, J., dissent and would allow only on the
same issues certified in 93-1349.

Resnick, J., not participating.

93-1193. Stevens v. Nationwide Life Ins. Co.
Cuyahoga County, No. 62341.

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

93-1203. Cassity v. Oren Fab & Supply, Inc.
Montgomery County, No. 13185.

93-1204. State v. Harrison.
Hamilton County, No. C-920422. On motion and cross-motion for leave
to appeal. Motions denied.

93-1205. State v. Rison.
Hamilton County, No. C-920509.

93-1208. Equibank v. Wilmot Mining Co.
Stark County, No. CA-9161.

93-1209. Wolfe v. Diamond S. & L. Co.
Hancock County, No. 5-93-3.

Pfeifer, J., dissents.

93-1225. Gatto v. Gatto.
Summit County, No. 15714.

Resnick, J., dissents.

93-1227. Miller v. Leesburg.
Franklin County, Nos. 92AP-1637 and 92AP-1641.

93-1230. State v. Post.
Lucas County, No. L-93-089.

Resnick, J., not participating.

93-1240. Clark v. Pfizer, Inc.
Lucas County, No. L-92-159.

Douglas and Wright, J.J., dissent.

Resnick, J., not participating.

93-1248. Avery B. Klein & Co. v. Joslyn.

Cuyahoga County, No. 61841.

Moyer, C.J., Wright and Resnick, JJ., dissent.

93-1261. Stark Metro. Hous. Auth. v. Kirksey.

Stark County, No. CA-9116.

Moyer, C.J., dissents.

93-1265. Petrae v. Petrae.

Montgomery County, No. 13443.

Resnick, J., dissents.

93-1278. Land v. Rolm Corp.

Summit County, No. 15873.

Resnick and Pfeifer, JJ., dissent.

93-1279. State v. McLean.

Hamilton County, No. C-920494.

Moyer, C.J., dissents.

93-1293. State v. Crank.

Cuyahoga County, No. 64523.

93-1302. Brownie v. Aluminum Smelting & Refining Co.

Cuyahoga County, No. 62034. On motion to certify the record. Motion denied.

Moyer, C.J., would allow on Proposition of Law No. II only.

Wright, J., dissents.

On cross-motion to certify the record. Motion denied.

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

93-1325. Copeland v. Univ. Radiologists of Cleveland, Inc.

Cuyahoga County, No. 62332.

93-1355. Bell v. Midwestern Educational Serv., Inc.

Montgomery County, No. CA 13753.

Resnick and Pfeifer, JJ., dissent.

93-1416. State v. Williams.

Butler County, No. CA92-07-133.

REHEARING DOCKET

91-64. State v. Ford.

Lorain County, No. 90CA004801. Reported at 58 Ohio St.3d 713, N.E.2d . On motion for rehearing. Rehearing denied.

F.E. Sweeney, J., not participating.

91-2025. Hartt v. Munobe.

Franklin County, No. 90AP-572. Reported at 67 Ohio St.3d 3, N.E.2d . On motion for rehearing. Rehearing denied.

92-909. Addison v. Ohio River Co.

Hamilton County, Nos. C-910057 and C-910059. Reported at 67 Ohio St.3d 1201, N.E.2d . On motion for rehearing. Rehearing denied.

Moyer, C.J., F.E. Sweeney and Pfeifer, JJ., dissent.

92-1161. Bedford Hts. v. France.
Cuyahoga County, No. 60198. Reported at 67 Ohio St.3d 55,
N.E.2d . On motion for rehearing. Rehearing denied.
Moyer, C.J., and Wright, J., dissent.

92-1313. Kroger Co. v. Hamilton Cty. Bd. of Revision.
Board of Tax Appeals, Nos. 88-D-824 and 88-E-872. Reported at 67 Ohio
St.3d 145, N.E.2d . On motion for rehearing by Cincinnati
School District Board of Education and Hamilton County Auditor.
Rehearing denied.
Resnick, J., dissents.
Wright, J., not participating.

92-1452. Lake Cty. Bd. of Commrs. v. Weaver.
Lake County, No. 89-L-14-076. Reported at 67 Ohio St.3d 160,
N.E.2d . On motion for rehearing and for clarification of court's
order. Rehearing and clarification denied.

93-63. Beavis v. Sharwell.
Cuyahoga County, No. 63289. Reported at 66 Ohio St.3d 1488,
N.E.2d . On motion for rehearing. Rehearing denied.

93-131. State ex rel. Russell v. Ehrnfelt.
Cuyahoga County, No. 64242. Reported at 67 Ohio St.3d 132,
N.E.2d . On motion for rehearing. Rehearing denied.

93-374. Almanza v. Kohlhorst.
Henry County, No. 7-92-5. Reported at 67 Ohio St.3d 1421,
N.E.2d . On motion for rehearing. Rehearing denied.
Wright, J., dissents.

93-753. State v. Thrower.
Summit County, Nos. 15737 and 15765. Reported at 67 Ohio St.3d
1408, N.E.2d . On motion for rehearing. Rehearing denied.
Moyer, C.J., dissents.

93-776. In re Berger.
Clermont County, No. CA92-06-065. Reported at 67 Ohio St.3d 1421,
N.E.2d . On motion for rehearing. Rehearing denied.
Douglas and Wright, JJ., dissent.

93-896. State ex rel. Lewis v. Fisher.
In Mandamus. Reported at 67 Ohio St.3d 1417, N.E.2d . On
motion for rehearing. Rehearing denied.

93-924. Brown v. Ohio Bur. of Emp. Serv.
Marion County, No. 9-91-50. Reported at 67 Ohio St.3d 1421,
N.E.2d . On motion for rehearing. Rehearing granted and motion to
certify allowed.
Moyer, C.J., Wright and Pfeifer, JJ., dissent.

93-936. Phung v. Waste Mgt., Inc.
Sandusky County, No. S-91-48. Reported at 67 Ohio St.3d 1434,
N.E.2d . On motion for rehearing. Rehearing granted and motion to
certify allowed; sua sponte, cause held for decision in 93-529,
Ricciardi v. Babcock & Wilcox Co., Summit County, No. 15728; briefing

schedule stayed.

Wright, J., dissents.

Douglas and Resnick, JJ., not participating.

93-1195. State ex rel. May v. Cartolano.
Hamilton County, No. C-930188. Reported at 67 Ohio St.3d 1418,
N.E.2d . On motion for rehearing. Rehearing denied.

93-1197. State ex rel. D'Amico v. Indus. Comm.
In Mandamus. Reported at 67 Ohio St.3d 1404, N.E.2d . On
motion for rehearing. Rehearing denied.

93-1228. Campbell v. Ohio Dept. of Rehab. & Corr.
Franklin County, Nos. 92AP-1168 and 92AP-821. Reported at 67 Ohio
St.3d 1419, N.E.2d . On motion for rehearing. Rehearing
denied.

DISCIPLINARY DOCKET

DD86-22 and DD87-3. In re Petition for Reinstatement of Levin.
On motion for leave to proceed pro hac vice. Motion granted.
F.E. Sweeney and Pfeifer, JJ., dissent.
On motion to pay past due costs in installments. Motion denied.

92-2192. Disciplinary Counsel v. Cordova.
On motion for extension of time to pay costs. Motion granted.
Moyer, C.J., dissents.

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

1:00 P.M.

WEDNESDAY
September 22, 1993

MOTION DOCKET

93-1819. In re Reiner.
Cuyahoga County, No. 65292. On motion for stay. Motion denied.
Moyer, C.J., dissents.

DISCIPLINARY DOCKET

93-1828. In re Resignation of Steffen.
The resignation of Albert J. Steffen of Cincinnati, Ohio, as an
attorney, Registration No. 0020940, is accepted; sua sponte, 93-869,
Cincinnati Bar Assn. v. Steffen, is dismissed as moot, with costs to
respondent.
Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick and Pfeifer,
JJ., concur.
F.E. Sweeney, J., dissents.

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

WEDNESDAY
September 22, 1993

MISCELLANEOUS DISMISSALS

93-1785. State ex rel. Wilson v. Cuyahoga Cty. Court of Common Pleas.
In Mandamus. This cause originated in this court on the filing of a
complaint for a writ of mandamus. Upon consideration of relator's
application to dismiss,

IT IS ORDERED by the court that said application be, and the same
is hereby, granted, effective September 13, 1993.

ACCORDINGLY, IT IS FURTHER ORDERED by the court that this cause
be, and hereby is, dismissed.

ADMINISTRATIVE DOCKET

1. Local bar association character and fitness investigation
fees were increased.

2. Proposed amendments to Gov.Bar R. I(2)(C) (foreign education evaluation) and Gov.Bar R. I(8)(C)(13) (admission without examination) adopted, effective September 15, 1993.