

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  
November 2, 1994

MERIT DOCKET

94-1222. State ex rel. Wright v. Ohio Adult Parole Auth.  
Franklin County, No. 93AP-622. Sua sponte, cause dismissed.  
Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E.  
Sweeney and Pfeifer, JJ., concur.

94-1397. State ex rel. Fillinger v. Nagra.  
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.

94-1463. State ex rel. Swetland v. Tracy.  
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, Resnick and F.E. Sweeney,  
JJ., concur.  
Wright and Pfeifer, JJ., dissent and would grant an alternative  
writ.

94-1863. State v. Esparza.  
Lucas County, No. L-84-225. On motion to hold appeal in abeyance  
pending decision by court of appeals. Sua sponte, cause dismissed.  
Moyer, C.J., A.W. Sweeney, Douglas and F.E. Sweeney, JJ.,  
concur.

Wright, J., would grant the motion.  
Pfeifer, J., would deny the motion.  
Resnick, J., not participating.

94-1923. Walker v. Russell.  
In Habeas Corpus. Sua sponte, cause dismissed.  
Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E.  
Sweeney and Pfeifer, JJ., concur.

94-1984. Crise v. Dublin Securities, Inc.  
Franklin County, Nos. 94APE07-1008 and 94APE07-1009. On application  
for stay of execution pending court of appeals rehearing decision.  
Motion denied and cause dismissed.  
Moyer, C.J., A.W. Sweeney, Douglas and Pfeifer, JJ., concur.  
Wright, Resnick and F.E. Sweeney, JJ., dissent.

94-1985. State ex rel. Morgan v. Ohio Adult Parole Auth.  
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.

94-1990. Manos v. Lane.  
In Habeas Corpus. 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 DISCRETIONARY APPEALS, IF APPLICABLE, NOT ALLOWED

94-678. State v. Hussing.  
Cuyahoga County, No. 63838.  
Wright and Pfeifer, JJ., dissent.

94-947. Guendelsberger v. Ng.  
Hardin County, No. 6-93-4.

94-1038. State v. Phillips.  
Montgomery County, No. 14020.

94-1057. State v. Pollock.  
Lucas County, No. L-92-209.

94-1359. State v. Bailey.  
Franklin County, No. 93APA10-1384.

94-1362. State v. Woodgeard.  
Fairfield County, No. 45CASEP1993.

94-1367. State v. Luna.  
Huron County, No. H-93-23.  
Resnick, J., not participating.

94-1435. State v. Nahrstedt.  
Cuyahoga County, No. 64611.  
Wright, J., dissents.

94-1438. State v. Lucas.  
Montgomery County, No. 14004.

94-1526. State v. Paul.  
Auglaize County, No. 2-93-14.

94-1543. Forsyth v. Forsyth.  
Montgomery County, No. 14327.

94-1544. State v. Markley.  
Butler County, Nos. C93-03-049 and C93-03-058.  
A.W. Sweeney, Douglas and Resnick, JJ., dissent.

94-1545. State v. Moore.  
Lake County, No. 92-L-092.

94-1547. State v. Wooten.  
Holmes County, No. 484.

94-1562. State v. Dean.  
Franklin County, No. 93APA12-1707.

94-1565. State v. Goodman.  
Franklin County, No. 93APC11-1554.

94-1566. Kahler v. Roetzel & Andress, L.P.A.  
Franklin County, No. 94APE-014.

94-1571. Greene Metro. Hous. Auth. v. Newsome.  
Greene County, No. 93-CA-84.

94-1574. Worthy v. Jones.  
Cuyahoga County, No. 66383.

94-1575. Hytree v. Hytree.  
Lake County, No. 93-L-036.

94-1579. State v. Tolliver.  
Montgomery County, No. 14025.

94-1580. State v. Oldham.  
Hamilton County, No. C-930447.

94-1584. In re Eastway.  
Franklin County, No. 93AP-487.  
Wright, J., dissents.

94-1585. State v. Harris.  
Cuyahoga County, Nos. 67150, 67151 and 67152.

94-1590. State v. York.  
Greene County, No. 93-CA-59.  
Wright and Pfeifer, JJ., dissent.

94-1601. State v. Ingram.  
Cuyahoga County, No. 66227.

Pfeifer, J., dissents.

94-1604. Ellis v. Williams.  
Lorain County, No. 94CA005861.  
Wright and Pfeifer, JJ., dissent.

94-1630. State v. Shook.  
Lorain County, No. 93CA005716.

94-1634. State v. Workley.  
Belmont County, No. 94-B-14.  
Wright and Pfeifer, JJ., dissent.

94-1638. Kleman v. Environmental Concepts.  
Putnam County, No. 12-93-15.  
Douglas and Resnick, JJ., dissent.

94-1659. Zanesville v. Wilson.  
Muskingum County, No. CA-9412.

94-1661. State v. Jackson.  
Clark County, No. 3020.  
Douglas, J., dissents.

94-1668. State v. Northrop.  
Putnam County, No. 12-93-13.

94-1669. Smith v. Serv-A-Portion, Inc.  
Hamilton County, No. C-940214.

94-1704. State v. Heater.  
Hamilton County, No. C-930632.  
Wright, J., dissents.

#### MOTION DOCKET

93-2034. Ohio Contractors Assn. v. Bicking.  
Franklin County, No. 93AP-939. On motion to dismiss. Motion denied.  
Moyer, C.J., A.W. Sweeney and Wright, JJ., dissent.

94-431. SFA Folio Collections, Inc. v. Tracy.  
Board of Tax Appeals, No. 91-K-295. On requests for argument before  
full court. Requests granted.

94-672. Fahnbulleh v. Strahan.  
Franklin County, No. 93AP-956. On motion to strike and on motion to  
dismiss. Motions denied.

94-1072. Tent v. Metro Bldrs., Inc.  
Cuyahoga County, No. 63799. On motion for sanctions against Michael  
Troy Watson, Esq. Motion granted.

Pfeifer, J., would refer to a master commissioner for the  
taking of evidence.

F.E. Sweeney, J., dissents.

Sua sponte, this matter is referred to the Disciplinary Counsel.  
Wright and F.E. Sweeney, JJ., dissent.

Pfeifer, J., not participating.

94-1650. Jackson v. Plainville Concrete, Inc.  
Clermont County, No. CA93-10-075. On motion to vacate. Motion denied.

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

94-1743. State ex rel. Parsons Constr., Inc. v. Moyer.  
In Mandamus. On motion to dismiss. Sua sponte, alternative writ granted.

94-1946. Brookbank v. Gray.  
Hamilton County, No. C-930312. On review of order certifying conflict. The court determines that a conflict exists; the parties are to brief the issue of whether or not paternity can be established after the death of a putative father.

94-2013. State v. Bryant.  
Cuyahoga County, No. 65614. On motion for leave to file delayed appeal. Motion denied.

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

94-2025. Ins. Co. of N. Am. v. Gould, Inc.  
Cuyahoga County, Nos. 66595, 66675, 66681, 66693 and 66701. On motion for pro hac vice admission of John L. Altieri, Jr. and on motion for pro hac vice admission of Michael J. Sehr. Motions granted.

94-2037. State v. Martin.  
Cuyahoga County, No. 64421. On motion for leave to file delayed appeal. Motion denied.

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

94-2053. State v. Arnett.  
Scioto County, No. 2135. On motion for leave to file delayed appeal. Motion denied.

94-2057. State v. Lentz.  
Lucas County, No. L-93-206. On motion for leave to file delayed appeal. Motion denied.

94-2074. State v. Murphy.  
Hamilton County, No. C-930392. On motion for leave to file delayed appeal. Motion denied.

94-2102. State v. Peeples.  
Cuyahoga County, No. 54708. On motion for leave to file delayed appeal. Motion denied.

94-2112. State v. Bell.  
Franklin County, No. 88AP-420. On motion for leave to file delayed appeal. Motion denied.

94-2161. Toledo Blank, Inc. v. Pioneer Steel Serv. Co.  
Lucas County, No. L-92-362. On review of order certifying conflict. The court determines that a conflict exists; the parties are to brief the issue stated in the court of appeals' Decision and

Judgment Entry, filed September 12, 1994.  
Resnick, J., not participating.

94-2168. Frazier v. Columbus Bd. of Edn.  
Franklin County, No. 93APE11-1534. On review of order certifying  
conflict. The court determines that a conflict exists; the parties  
are to brief the issue stated in the court of appeals' Journal  
Entry, filed September 30, 1994.

DISCRETIONARY APPEALS ALLOWED

94-1415. Carlin v. Mambuca.  
Cuyahoga County, No. 65217. On motion and cross-motion to certify  
the record. Motions allowed.  
Wright and Resnick, JJ., dissent.

94-1445. In re Columbus Skyline Securities, Inc.  
Franklin County, No. 93AP-790.

94-1448. Wireman v. Keneco Distrib., Inc.  
Wood County, No. 93WD078.  
Moyer, C.J., Douglas and Wright, JJ., dissent.

94-1557. Dixon v. Gen. Motors Corp.  
Defiance County, No. 4-94-1.  
Moyer, C.J., Wright and Pfeifer, JJ., dissent.

94-1626. Nakoff v. Fairview Gen. Hosp.  
Cuyahoga County, Nos. 64224 and 64225. On motion to certify the  
record. Motion allowed.  
Moyer, C.J., Wright and Pfeifer, JJ., dissent.

94-1892. Frazier v. Columbus Bd. of Edn.  
Franklin County, No. 93APE11-1534. On motion to consolidate case  
with 94-2168, Frazier v. Columbus Bd. of Edn., Franklin County, No.  
93APE11-1534, and 94-811, Adamsky v. Buckeye Local School Dist.,  
Medina County, No. 2258-M. Motion granted.

94-1945. Brookbank v. Gray.  
Hamilton County, No. C-930312. Sua sponte, cause consolidated with  
94-1946, Brookbank v. Gray, Hamilton County, No. C-930312.

DISCRETIONARY APPEALS NOT ALLOWED

94-1417. Estridge v. Mayfield.  
Hamilton County, No. C-930038.

94-1430. McCullough Constr. v. LuMac Dev.  
Ottawa County, No. 93OT033.  
Pfeifer, J., dissents.  
Resnick, J., not participating.

94-1437. Feichtner v. Cleveland.  
Cuyahoga County, No. 65483.  
Pfeifer, J., dissents.

94-1460. Bohnsack v. Unemp. Comp. Bd. of Review.  
Lucas County, No. L-93-272. (Appeal by Toledo Edison Company;  
second appeal by Ohio Bureau of Employment Services.)  
Wright, J., dissents.

94-1469. Deger v. Super Skate, Inc.  
Greene County, No. 92-CA-70.

94-1498. Ogden v. Raymond Corp.  
Wayne County, No. 2832.  
Douglas, J., dissents.

94-1499. Akron v. Darulis.  
Summit County, No. 16753.

94-1512. Furtado v. Watson.  
Franklin County, No. 93APG12-1691.

94-1539. White v. Internatl. Union, Plant Guard Workers Local 16.  
Montgomery County, No. 14332.

94-1573. Medley v. Ohio Civ. Rights Comm.  
Franklin County, No. 93APE11-1560.

94-1582. Jackson Cty. Environmental Commt. v. Schregardus.  
Franklin County, Nos. 93APH09-1240 and 93APH09-1241. (Appeal by  
Donald R. Schregardus; second appeal by the Mead Corporation.)  
Moyer, C.J., Wright and Pfeifer, JJ., dissent.

94-1589. Corso v. Regan.  
Cuyahoga County, No. 65077.

94-1602. Surface v. Southwest Gen. Hosp.  
Cuyahoga County, No. 65134.  
Douglas, J., dissents.

94-1606. Basinger v. Basinger.  
Ashland County, No. CA-1049.  
Moyer, C.J., dissents.

94-1609. Washington v. Arbor Crest Land Co.  
Cuyahoga County, No. 66307.  
Douglas, J., dissents.

94-1619. Bankers Guarantee Title & Trust Co. v. Estate of McHenry.  
Columbiana County, No. 92-C-67.  
Douglas and Wright, JJ., dissent.

94-1646. Anthony v. Ada Exempted Village School Dist. Bd. of Edn.  
Hardin County, No. 6-94-2.

94-1651. State v. Browning.  
Hamilton County, No. C-930807.

94-1652. State v. Blount.  
Hamilton County, No. C-930808.

94-1670. Smith v. Marketing Programs, Inc.  
Hamilton County, Nos. C-940288 and C-940356.

94-1674. Toledo Blank, Inc. v. Pioneer Steel Serv. Co.  
Lucas County, No. L-92-362.  
Pfeifer, J., dissents.  
Resnick, J., not participating.

#### RECONSIDERATION DOCKET

93-325. Painter v. Graley.  
Cuyahoga County, No. 61148. Reported at 70 Ohio St.3d 377,  
N.E.2d . On motion for reconsideration and on motion to clarify  
court order. Motions denied.  
Douglas, J., would grant the motion for reconsideration only.  
Pfeifer, J., dissents.  
F.E. Sweeney, J., not participating.

93-792. Great Am. Ins. Co. v. Limbach.  
Board of Tax Appeals, No. 90-J-632. Reported at 70 Ohio St.3d  
357, N.E.2d . On motion for reconsideration. Motion denied.  
Resnick and F.E. Sweeney, JJ., dissent.

93-1021. Hamilton v. State Emp. Relations Bd.  
Franklin County, Nos. 92AP-1345 and 92AP-1346. Reported at 70 Ohio  
St.3d 210, N.E.2d . On motion for reconsideration by city of  
Hamilton. Motion denied.  
Moyer, C.J., Wright and Pfeifer, JJ., dissent.

93-1864. Herald v. Hood.  
Summit County, No. 15986. Reported at 70 Ohio St.3d 1210,  
N.E.2d . On motion for reconsideration. Motion denied.  
Wright, J., dissents.

93-2055. Smith v. Rudler.  
Ashtabula County, No. 92-A-1753. Reported at 70 Ohio St.3d 397,  
N.E.2d . On motion for reconsideration and on request for oral  
argument. Motion and request denied.  
Wright, J., dissents.

94-890. Ashbrook v. Schneider.  
Cuyahoga County, No. 64469. Reported at 70 Ohio St.3d 1440,  
N.E.2d . On motion for reconsideration. Motion denied.  
Pfeifer, J., dissents.

94-1083. Wilkerson v. Eaton Corp.  
Cuyahoga County, No. 65182. Reported at 70 Ohio St.3d 394,  
N.E.2d . On motion for reconsideration. Motion denied.  
Moyer, C.J., and Wright, J., dissent.  
F.E. Sweeney, J., not participating.

94-1199. Encore Mgt., Inc. v. Lakeview Realty, Inc.  
Cuyahoga County, No. 64784. Reported at 70 Ohio St.3d 1441,  
N.E.2d . On motion for reconsideration. Motion denied.  
Pfeifer, J., dissents.

94-1345. Archon Realty v. Zavakos.  
Montgomery County, No. 14226. Reported at 70 Ohio St.3d 1442,  
N.E.2d . On motion for reconsideration. Motion denied.

94-1908. State ex rel. Rife v. Franklin Cty. Bd. of Elections.  
Reported at 70 Ohio St.3d , N.E.2d . On motion for  
reconsideration by Tom Taylor, d.b.a. Topcat Concrete, and on motion  
for reconsideration by Franklin County Board of Elections et al.  
Motions denied.