

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

1:00 P.M. WEDNESDAY  
October 4, 1995

MERIT DOCKET

95-1445. State ex rel. Moore v. Williams.  
In Mandamus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

95-1454. Russell v. Koubeck.  
In Mandamus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

95-1503. State ex rel. Stringfield v. Medina Cty. Court of Common Pleas.  
In Mandamus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

95-1543. Morgan v. Brogan.  
In Mandamus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

95-1560. Guess v. Judges.  
In Mandamus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

95-1563. State ex rel. Hamilton v. Ohio Dept. of Rehab. & Corr.  
In Mandamus. On motion for summary judgment. Sua sponte, cause dismissed.

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

Cook, J., would grant the motion for summary judgment.

95-1578. State ex rel. Routree v. Mengel.

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

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

95-1605. State ex rel. Bolden v. Ohio Adult Parole Auth.

In Mandamus. Sua sponte, cause dismissed.

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

Moyer, C.J., and Cook, J., dissent and would grant an alternative writ.

95-1610. Green v. Carr.

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

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

95-1618. Guess v. Judges.

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

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

95-1619. Guess v. Judges.

In Mandamus. On motions to dismiss. Motions to dismiss sustained. Cause dismissed.

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

95-1658. State ex rel. Sweet v. Leffler.

In Mandamus. Sua sponte, cause dismissed.

Douglas, Wright, Resnick, Pfeifer and Cook, JJ., concur.

Moyer, C.J., and F.E. Sweeney, J., dissent and would grant an alternative writ.

95-1705. Guess v. Judges.

In Mandamus. On motions to dismiss. Motions to dismiss sustained. Cause dismissed.

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

95-1752. Landis v. Fifth Dist. Court of Appeals.

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

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

95-1754. Hollis v. McFaul.

In Habeas Corpus. Sua sponte, cause dismissed.

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

DISMISSALS, SUA SPONTE, NO SUBSTANTIAL  
CONSTITUTIONAL QUESTION AND DISCRETIONARY  
APPEALS, IF APPLICABLE, NOT ALLOWED

95-663. State v. Nathan.  
Allen County, No. 1-94-44.

95-1123. State v. Gilroy.  
Auglaize County, No. 2-94-26.

95-1134. State v. Szeftcyk.  
Lorain County, No. 94CA005928.  
Douglas and Resnick, JJ., dissent.

95-1137. State v. Lucus.  
Hamilton County, No. C-940516.

95-1138. Palomba v. Hayes.  
Cuyahoga County, Nos. 65781 and 66714.

95-1140. State v. Lee.  
Cuyahoga County, No. 67332.  
Wright, J., would allow on Proposition of Law No. I only.

95-1146. State v. Kinney.  
Hamilton County, Nos. C-940660, C-940661 and C-940662.

95-1148. State v. Murr.  
Sandusky County, No. S-94-025.  
Resnick, J., not participating.

95-1149. Martin v. Bedford Hts. Civ. Serv. Comm.  
Cuyahoga County, No. 67513.

95-1150. Gaskins v. Cincinnati Group Health.  
Hamilton County, No. C-930804.

95-1157. In re Contempt of Ruschel.  
Cuyahoga County, No. 67605.

95-1160. Shea v. Brady.  
Paulding County, No. 11-95-2. On motion for admission pro hac vice by Lisa Robinson, Esq., Robert A. Marsac, Esq. and Jacqueline R. Shapo, Esq., and on motion to certify. Motions denied.

Moyer, C.J., dissents and would affirm the judgment of the court of appeals on authority of Transamerica Ins. Co. v. Nolan (1995), 72 Ohio St.3d 320, 649 N.E.2d 1229.

F.E. Sweeney, J., dissents.

95-1161. State v. Kuehne.  
Hamilton County, No. C-940363.

95-1162. State v. Lamp.  
Lake County, No. 89-L-14041.

95-1163. State v. Williams.  
Mahoning County, No. 90 C.A. 202.  
Wright, J., would allow on Proposition of Law No. I only.

95-1166. State v. Crabtree.  
Franklin County, No. 94APA09-1286.  
Cook, J., dissents.

95-1168. State v. Roark.  
Fairfield County, No. 46CA1994.

95-1170. Malhotra v. Appel.  
Hamilton County, No. C-940223.

95-1179. State v. Wasmus.  
Franklin County, Nos. 94APA07-1013 and 94APA07-1014.

95-1181. State v. Browning.  
Montgomery County, No. 15176.

95-1186. State v. Spisak.  
Cuyahoga County, No. 67229.

95-1188. State v. Allen.  
Cuyahoga County, No. 67278.

95-1189. State v. Morrow.  
Warren County, No. CA94-10-085.

95-1190. State v. Noble.  
Lake County, No. 94-L-079.

95-1191. Sarossy v. Sarossy.  
Cuyahoga County, No. 67493.

95-1195. Cully v. St. Augustine Manor.  
Cuyahoga County, No. 67601.

95-1202. S & S Aggregate v. Streetsboro Planning Comm.  
Portage County, No. 94-P-0040.

95-1204. State v. LeFevre.  
Franklin County, No. 94APA09-1376.

95-1206. State v. Wells.  
Licking County, No. 94CA113.

95-1210. State v. Bencic.  
Summit County, No. 16895.

95-1221. State v. Houston.  
Cuyahoga County, No. 67049.

95-1223. State v. Imperatore.  
Medina County, No. 2354-M.

95-1224. State v. Sims.  
Summit County, Nos. 16841 and 16936.

95-1226. Avon v. Tracy.

Lorain County, No. 94CA005983.

95-1230. State v. Roberts.  
Hamilton County, No. C-940509.

95-1233. In re Moore.  
Hamilton County, No. C-940557.

95-1234. State v. Thomas.  
Cuyahoga County, No. 67446.

95-1237. State v. Lawson.  
Clermont County, No. CA94-07-053.

95-1242. State v. Rice.  
Franklin County, No. 94APA08-1188.

95-1243. State v. Mitchell.  
Lorain County, No. 94CA005888.

95-1244. State v. McDerment.  
Lorain County, No. 94CA005796.

95-1248. Daniels v. Thistledown Racing Club, Inc.  
Cuyahoga County, No. 67345.  
Resnick, J., dissents.

95-1250. State v. Stringer.  
Franklin County, No. 94APA09-1298.  
Douglas and Resnick, JJ., dissent.

95-1255. Lucius v. Mihm.  
Allen County, No. 1-94-74.  
Douglas and Resnick, JJ., dissent.

95-1257. Michelson v. Kravitz.  
Cuyahoga County, No. 67342.  
F.E. Sweeney and Pfeifer, JJ., dissent.

95-1260. Cerney v. Norfolk & W. Ry. Co.  
Cuyahoga County, Nos. 67010 and 67649.  
Wright, J., dissents.

95-1261. Dick v. Motorists Ins. Cos.  
Fulton County, No. F-94-023.  
Douglas and Pfeifer, JJ., dissent.  
Resnick, J., dissents and would overrule Kurent v. Farmers Ins. of  
Columbus, Inc. (1991), 62 Ohio St.3d 242, 581 N.E.2d 533.

95-1265. State v. Stallings.  
Cuyahoga County, No. 67779.  
F.E. Sweeney, J., dissents.

95-1273. Rybaczewski v. Mercury Motor Div. of Ford Motor Co.  
Lucas County, No. L-94-132.

95-1302. State v. Macko.

Montgomery County, No. 14669.  
Resnick, J., dissents.

95-1310. Phelps v. Rubbermaid, Inc.  
Wayne County, No. 2925.

95-1343. State v. Murphy.  
Marion County, No. 9-94-52.  
Wright, J., dissents.

95-1359. Woodman v. Tubbs Jones.  
Cuyahoga County, No. 68029.

95-1361. State v. Bauer.  
Hamilton County, No. C-940508.

DISCRETIONARY APPEALS ALLOWED

95-1130. Spangler v. Kehres.  
Richland County, No. 94CA69.  
Moyer, C.J., Wright and Cook, JJ., dissent.

95-1139. Gyori v. Johnston Coca-Cola Bottling Group, Inc.  
Lucas County, No. L-94-078.  
Moyer, C.J., Wright and F.E. Sweeney, JJ., dissent.

95-1175. Austintown Twp. Bd. of Trustees v. Ohio Dept. of Taxation.  
Franklin County, No. 94APE08-1134.  
F.E. Sweeney and Pfeifer, JJ., dissent.

95-1183. State v. Smith.  
Washington County, No. 94CA21. On motion to defer consideration of case pending decision in 95-450, State v. Thompkins, Montgomery County, No. 14703 et seq. Motion granted and briefing schedule stayed.  
Wright and Pfeifer, JJ., dissent.

95-1197. State v. Peagler.  
Montgomery County, No. 14792.  
Wright, F.E. Sweeney and Cook, JJ., dissent.

95-1209. Wagner v. Roche Laboratories.  
Lucas County, Nos. L-93-187 and L-93-277.  
Moyer, C.J., Wright and Cook, JJ., dissent.

95-1220. State v. Roberts.  
Ross County, No. 94CA2020.  
Resnick, J., would also hold this cause for the decision in 95-880, State v. Williams, Athens County, No. 94CA1626.  
Douglas, F.E. Sweeney and Pfeifer, JJ., dissent.

95-1222. Byrnes v. LCI Communication Holdings Co.  
Franklin County, Nos. 94APE09-1372 and 94APE09-1396.  
Resnick and Pfeifer, JJ., dissent.

95-1239. Young v. The Morning Journal.

Lorain County, No. 94CA005952.

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

95-1271. State v. Miller.

Auglaize County, No. 2-94-32. On motion to consolidate case with 95-1303, 95-1304, 95-1305 and 95-1307, *infra*. Motion granted.

Pfeifer and Cook, JJ., dissent.

95-1303. State v. Smith.

Auglaize County, No. 2-95-3.

95-1304. State v. Brown.

Auglaize County, No. 2-95-6.

95-1305. State v. Roth.

Auglaize County, No. 2-95-4.

95-1307. State v. Bayman.

Auglaize County, No. 2-95-7.

95-1510. In re Brock Children.

Stark County, No. 94CA0227. *Sua sponte*, cause consolidated with 95-1688, *supra*.

Wright, Pfeifer and Cook, JJ., dissent.

#### MOTION DOCKET

94-974. State ex rel. Danis Industries Corp. v. Betzner.

Franklin County, No. 93APD05-694. On request for oral argument. Request denied.

Wright and Pfeifer, JJ., dissent.

94-1945 and 94-1946. Brookbank v. Gray.

Hamilton County, No. C-930312. On motion to appear at oral argument. Motion granted.

95-274. State ex rel. Barclays Bank PLC v. Court of Common Pleas of Hamilton Cty.

On motion to supplement evidentiary submission. Motion granted.

F.E. Sweeney, J., dissents.

95-365. State ex rel. Herman v. Klopffleisch.

In Quo Warranto. On motion for attorney fees and costs. Motion denied.

Douglas and Pfeifer, JJ., dissent.

95-423. ARGA Co. v. Tracy.

Board of Tax Appeals, No. 92-R-1531. On request for argument before full court and on motion for special scheduling for oral argument. Request granted; *sua sponte*, this cause is to be argued on the same date as 94-2724, Lyden Co. v. Tracy, Board of Tax Appeals, No. 92-X-490; the motion for special scheduling is otherwise denied.

95-425. State ex rel. S.E. Johnson Cos., Inc. v. Indus. Comm.

In Mandamus. On answer of respondent Regena Burchett. *Sua sponte*, alternative writ granted.

Resnick, J., not participating.

95-594. State ex rel. Plain Dealer Publishing Co. v. Cleveland.  
In Mandamus. On relator's request for oral argument and on respondent's request  
for oral argument. Requests denied.

95-946. State ex rel. Cleveland v. Pub. Util. Comm.  
In Mandamus. On motion of Ameritech Ohio et al. for leave to file memo contra  
relators' motion for reconsideration and to expedite, and motion by Cleveland  
Electric Illuminating Company for leave to file memo contra motion for  
rehearing. Motions denied.  
Douglas and Wright, JJ., dissent.  
Resnick, J., not participating.

95-1068. Montpelier Pub. Library Bd. of Trustees v. Williams Cty. Budget Comm.  
Board of Tax Appeals, No. 92-K-1173. On motion to consolidate case with 95-  
1069, Montpelier Pub. Library Bd. of Trustees v. Williams Cty. Budget Comm.,  
Board of Tax Appeals, No. 92-K-1173. Motion granted.

95-1271. State v. Miller.  
Auglaize County, No. 2-94-32. On motion to consolidate case with 95-1377 and  
95-1466, State v. Gustafson, *infra*. Motion granted.

95-1303. State v. Smith.  
Auglaize County, No. 2-95-3. On motion to consolidate case with 95-1377 and 95-  
1466, State v. Gustafson, *infra*. Motion granted.

95-1304. State v. Brown.  
Auglaize County, No. 2-95-6. On motion to consolidate case with 95-1377 and 95-  
1466, State v. Gustafson, *infra*. Motion granted.

95-1305. State v. Roth.  
Auglaize County, No. 2-95-4. On motion to consolidate case with 95-1377 and 95-  
1466, State v. Gustafson, *infra*. Motion granted.

95-1307. State v. Bayman.  
Auglaize County, No. 2-95-7. On motion to consolidate case with 95-1377 and 95-  
1466, State v. Gustafson, *infra*. Motion granted.

95-1377 and 95-1466. State v. Gustafson.  
Mahoning County, No. 94 C.A. 232. On motion to expedite oral argument. Motion  
denied.  
Douglas and Resnick, JJ., dissent.

95-1393. Doe v. Cub Foods of Ohio, Inc.  
Franklin County, No. 94APE07-1005. On motion for leave to file statement of  
additional authorities. Motion granted.

95-1401. Wright v. Ghee.  
Franklin County, No. 95APD05-591. On application for order that interrogatories  
be served on defendants. Application denied. On motion to strike request for  
interrogatories. Motion granted.

95-1567. State v. Wright.  
Scioto County, No. 93CA2110. On motion for leave to file delayed appeal.  
Motion denied.  
Moyer, C.J., dissents.

95-1583. State v. Pearce.  
Franklin County, No. 92AP-1761. On motion for appointment of counsel. Motion denied.

95-1593. State ex rel. Yant v. Pfeiffer.  
In Mandamus. On answer of respondent. Sua sponte, alternative writ granted.

95-1603. State v. Henry.  
Hamilton County, No. C-930795. On motion for leave to file delayed appeal. Motion denied.

95-1639. State v. Young.  
Cuyahoga County, No. 67684. On motion for leave to file delayed appeal. Motion granted.  
Wright, F.E. Sweeney and Cook, JJ., dissent.

95-1684. State v. Allen.  
Montgomery County, No. 14730. On motion for leave to file delayed appeal. Motion granted.  
F.E. Sweeney, J., dissents.

95-1687. State v. Zerla.  
Franklin County, No. 93APA09-1304. On motion for appointment of counsel. Motion denied.

95-1688. In re Brock Children.  
Stark County, No. 94CA227. 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' Judgment Entry filed August 1, 1995: "Are the provisions of R.C. 2151.415(D) jurisdictional in nature, such that a trial court loses jurisdiction to enter custody orders after expiration of the statutory time period?"  
Sua sponte, cause consolidated with 95-941 and 95-942, In re Young Children, Stark County, No. 94CA0198, and 95-1213, In re Bunting Children, Stark County, No. 94CA0264.

95-1710. State v. Houston.  
Cuyahoga County, No. 67049. On motion for leave to file delayed appeal. Motion denied.  
Resnick, J., dissents.

95-1717. State v. Mascarella.  
Tuscarawas County, No. 93AP100075. On motion for leave to file delayed appeal. Motion denied.  
Moyer, C.J., Resnick and Cook, JJ., dissent.

95-1719. State v. Wright.  
Medina County, No. 2371-M. On motion for leave to file delayed appeal. Motion denied.  
Moyer, C.J., and Resnick, JJ., dissent.

95-1738. State v. Lyles.  
Hamilton County, No. C-930403. On motion for leave to file delayed appeal. Motion denied.

95-1741. State v. Gowdy.  
Erie County, No. E-93-45. On motion for leave to file delayed appeal. Motion denied.

Resnick, J., not participating.

95-1742. State v. Dalzell.  
Greene County, No. 94CA77. On motion for leave to file delayed appeal. Motion denied.

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

95-1906. State v. Knisely.  
Huron County, No. H94-044. On review of order certifying a conflict and motion to expedite. The court determines that a conflict exists on the following issue stated in the court of appeals' Decision and Judgment Entry dated September 5, 1995: "The issue presented is whether the summary administrative license suspension provided for in R.C. 4511.191(D) (1) (a) violates the licensee's right to procedural due process as guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution and Section 16, Article I of the Ohio Constitution."

Sua sponte, cause held for the decision in 95-1377 and 95-1466, State v. Gustafson, Mahoning County, No. 94 C.A. 232; briefing schedule stayed.

Resnick, J., not participating.

#### DISCRETIONARY APPEALS NOT ALLOWED

95-758. State v. Brockwell.  
Cuyahoga County, No. 67134.

95-791. State v. Johnson.  
Montgomery County, No. 13981.

95-1127. Duryee v. Proprietors' Ins. Co.  
Franklin County, No. 94APE07-1078.  
Douglas, J., dissents.

95-1135. State v. Lothery.  
Richland County, No. 93CA60.  
Moyer, C.J., Douglas and Resnick, J., dissent.

95-1136. State v. Crosby.  
Richland County, No. 93CA57.  
Douglas, Resnick and Pfeifer, JJ., dissent.

95-1141. Hill v. Hill.  
Clermont County, No. CA94-10-084.  
Pfeifer, J., dissents.

95-1143. Thorp Consumer Discount Co. v. Rollins.  
Franklin County, No. 94APE08-1203.

95-1147. In re Estate of Adams.  
Lucas County, No. L-94-024.  
Pfeifer, J., dissents.  
Resnick, J., not participating.

95-1152. Wainey v. Hollymatic Corp.  
Cuyahoga County, No. 66998.  
Moyer, C.J., dissents.

95-1153. Potocnik v. Sifco Industries, Inc.  
Cuyahoga County, No. 66668.  
Wright, J., dissents.

95-1154. Tardy v. Norfolk S. Corp.  
Pike County, No. 94CA534.  
Resnick and F.E. Sweeney, JJ., dissent.

95-1155. Meerhoff v. Huntington Mtge. Co.  
Logan County, No. 8-94-19.

95-1156. State v. Kelly.  
Hamilton County, No. C-940736.

95-1159. Cleveland v. Brook Park.  
Cuyahoga County, No. 67132.  
Wright and F.E. Sweeney, JJ., dissent.

95-1167. Ross v. Maumee City Schools.  
Lucas County, No. L-94-144.  
Douglas and F.E. Sweeney, JJ., dissent.  
Resnick, J., not participating.

95-1169. Thompson v. Monarch Marking Sys., Inc.  
Montgomery County, No. CA-14695.

95-1171. Kinney v. Morgenthal.  
Hamilton County, No. C-940497.  
Wright, J., dissents.

95-1172. Owens v. Bob Long Bldrs., Inc.  
Lucas County, No. L-94-287.  
Moyer, C.J., and Pfeifer, J., dissent.  
Resnick, J., not participating.

95-1185. Warman v. Kenner Products, Inc.  
Hamilton County, No. C-940361.  
Wright, J., dissents.

95-1193. In re Namey.  
Franklin County, No. 94APE09-1386.  
Moyer, C.J., Wright and Cook, JJ., dissent.

95-1201. Walls v. Walls.  
Highland County, No. 94CA849.

95-1205. Tschaenn v. Dravo Basic Materials Co., Inc.  
Butler County, No. CA94-11-208.

95-1212. Kimble v. Pepsi-Cola Gen. Bottlers.  
Hamilton County, No. C-940169.

95-1225. Butler v. Jewish Hospitals, Inc.  
Hamilton County, No. C-940119.  
Resnick, J., dissents.

95-1227. Wojtkiewicz v. Blue Cross & Blue Shield Mutual.  
Cuyahoga County, No. 68641.  
Wright, J., dissents.

95-1229. Kimble v. Canton.  
Stark County, Nos. 94CA231 and 94CA345.

95-1232. Neckerman v. Progressive Ins. Agency.  
Hamilton County, No. C-940418.  
Resnick, J., dissents.

95-1240. State v. Hutchinson.  
Montgomery County, No. CA 13993.

95-1241. Brooks v. Mihm.  
Pickaway County, No. 93CA24.  
Resnick and F.E. Sweeney, JJ., dissent.

95-1245. Morris v. Harman.  
Morgan County, No. 94CA13.  
Moyer, C.J., dissents.

95-1247. Jurgens Real Estate Co. v. R.E.D. Constr. Corp.  
Clermont County, No. CA93-11-083.

95-1251. Redmon v. MK-Ferguson Co.  
Hamilton County, No. C-940247.

95-1252. Parkbrook Dev. Corp. v. Northern Reflections.  
Cuyahoga County, No. 66712.

95-1259. Smith v. Cleveland.  
Cuyahoga County, No. 67543.  
Pfeifer, J., dissents.

95-1269. Miller v. Boden.  
Seneca County, No. 13-94-36.  
Resnick, J., dissents.

95-1281. Rainieri v. Rainieri.  
Stark County, No. 94CA0308.

95-1283. State v. McGranahan.  
Hamilton County, No. C-940374.  
Douglas, J., dissents.

95-1300. Slabochova v. Denmeade.  
Mahoning County, No. 94 C.A. 89.

95-1347. Coons v. Brownlee.  
Logan County, No. 8-94-5.

95-1434. North v. Adams.  
Clark County, No. 94CA89.

#### RECONSIDERATION DOCKET

93-7. State v. Williams.  
Butler County, Nos. CA91-04-060 and CA92-06-110. Reported at 73 Ohio St.3d 153, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

93-2374. Chan v. Miami Univ.  
Franklin County, Nos. 93AP-213 and 93AP-309. Reported at 73 Ohio St.3d 52, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.  
Douglas and F.E. Sweeney, JJ., dissent.

94-103. State v. D'Ambrosio.  
Cuyahoga County, No. 57448. Reported at 73 Ohio St.3d 141, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration and on pro se motion for reconsideration. Motions denied.  
Wright and Pfeifer, JJ., dissent.  
F.E. Sweeney, J., not participating.

94-136. Collins v. Rizkana.  
Stark County, No. CA-9310. Reported at 73 Ohio St.3d 65, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

94-339. Lewis v. Steinreich.  
Summit County, No. 16203. Reported at 73 Ohio St.3d 299, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.  
Wright, J., dissents.

94-412. Buchman v. Wayne Trace Local School Dist. Bd. of Edn.  
Paulding County, No. 11-92-11. Reported at 73 Ohio St.3d 260, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.  
Moyer, C.J., and Wright, J., dissent.

94-642, 94-643 and 94-644. Gen. Motors Corp. v. Tracy.  
Board of Tax Appeals, Nos. 92-K-146, 92-K-510 and 91-K-1558. Reported at 73 Ohio St.3d 29, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration and on motion for leave to file brief amicus curiae in opposition to reconsideration. Motions denied.

95-146. State v. Eads.  
Cuyahoga County, No. 62775. Reported at 73 Ohio St.3d 320, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

95-155. State ex rel. Jackson v. McFaul.  
Cuyahoga County, No. 68182. Reported at 73 Ohio St.3d 185, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.  
Pfeifer, J., dissents.

95-380. McManus v. Belcher.  
Lucas County, No. L-94-032. Reported at 73 Ohio St.3d 106, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.  
F.E. Sweeney, J., dissents.  
Douglas and Resnick, JJ., not participating.

95-391. State ex rel. Liposchak v. Indus. Comm.  
In Mandamus. Reported at 73 Ohio St.3d 194, \_\_\_ N.E.2d \_\_\_. On amended motion  
for leave to file brief amicus curiae in support of reconsideration by Ohio Self  
Insurers Association. Motion denied.

Douglas, J., dissents.

On motion for reconsideration. Motion denied.

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

95-546. State ex rel. May v. Cissell.

Hamilton County, No. C-940988. Reported at 73 Ohio St.3d 46, \_\_\_ N.E.2d \_\_\_.

On motion for reconsideration. Motion denied.

95-955. J.R. Mason, Inc. v. S. Bloomfield.

Pickaway County, No. 94CA13. Reported at 73 Ohio St.3d 1426, \_\_\_ N.E.2d \_\_\_.

On motion for reconsideration. Motion denied.

95-959. State ex rel. Moyer v. Montgomery Cty. Bd. of Commrs.

Montgomery County, No. 14556. Reported at 73 Ohio St.3d 1428, \_\_\_ N.E.2d \_\_\_.

On motion for reconsideration. Motion denied.

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

95-982. Ottawa Cty. Bd. of Commrs. v. Marblehead.

Ottawa County, No. OT94050. Reported at 73 Ohio St.3d 1426, \_\_\_ N.E.2d \_\_\_. On  
motion for reconsideration, motion for leave to file brief amicus curiae (motion  
for reconsideration) by Ohio Municipal League, and motion for leave to file  
brief amicus curiae (motion for reconsideration) by City of Columbus. Motions  
denied.

Douglas, J., dissents.

Moyer, C.J., not participating.