

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  
May 31, 1995

MERIT DOCKET

93-1959. Vail v. The Plain Dealer Publishing Co.  
Cuyahoga County. Appeal from the Court of Appeals for Cuyahoga  
County, No. 63223. Judgment reversed.

Moyer, C.J., Resnick, F.E. Sweeney and Cook, JJ., concur.  
Douglas and Wright, JJ., concur separately.  
Pfeifer, J., concurs in judgment only.

93-2411 and 93-2515. NCR Corp. v. United States Mineral Products Co.  
Montgomery County. Appeal from the Court of Appeals for Montgomery  
County, No. 13931. Judgment reversed and cause remanded.

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

94-2666. Toledo Bar Assn. v. Pommeranz.  
On Certified Report by the Board of Commissioners on Grievances and  
Discipline of the Supreme Court, No. 91-45. Melvin P. Pommeranz is  
suspended from the practice of law for one year, stayed on condition.

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

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

1:00 P.M.

WEDNESDAY  
May 31, 1995

MERIT DOCKET

95-350. State ex rel. Gillen v. Schotten.  
In Habeas Corpus. Sua sponte, cause dismissed.  
Moyer, C.J., Douglas, Wright, Resnick, F.E. Sweeney, Pfeifer and  
Cook, JJ., concur.

95-373. Smith v. Ross Corr. Inst.  
In Habeas Corpus. Sua sponte, cause dismissed.  
Moyer, C.J., Douglas, Wright, Resnick, F.E. Sweeney, Pfeifer and  
Cook, JJ., concur.

95-674. Leal v. Lucas Cty. Domestic Relations Court.  
In Habeas Corpus. Sua sponte, cause dismissed.  
Moyer, C.J., Douglas, Wright, F.E. Sweeney, Pfeifer and Cook,  
JJ., concur.  
Resnick, J., not participating.

95-725. State ex rel. Waites v. Ford.  
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.

95-756. State ex rel. Cuttiford v. Hocking Corr. Facility, Records  
Office.  
In Mandamus. 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.

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

94-2659. State v. Vitanovich.  
Summit County, No. 16380.

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

95-115. Wilson v. Burt.  
Montgomery County, Nos. 12389 and 13096. Discretionary appeal and  
cross-appeal not allowed.  
Wright, J., dissents.

95-328. Stine v. Stine.  
Montgomery County, No. 14566.

95-345. Hunt v. Westlake City School Dist.  
Cuyahoga County, No. 66592. Discretionary appeal not allowed.  
Douglas and Resnick, JJ., dissent.  
Pfeifer, J., would allow on Proposition of Law No. I only.  
Discretionary cross-appeal not allowed.  
Douglas and Resnick, JJ., dissent.

95-351. In re Finfrock.  
Shelby County, No. 17-94-27.

95-356. State v. Wolf.  
Lake County, No. 93-L-151.

95-363. Patton v. Patton.  
Licking County, No. 94CA40.  
Moyer, C.J., and Resnick, J., dissent.

95-366. State v. Brown.  
Knox County, No. 94CA10.  
Pfeifer, J., dissents.

95-381. State v. Morris.  
Lake County, No. 93-L-157.  
Resnick, J., dissents.

95-388. Keller v. LTV Steel Co.  
Stark County, No. 94CA0275.  
Douglas and Wright, JJ., dissent.

95-401. State v. Worsencroft.  
Franklin County, No. 94APA02-262.  
Moyer, C.J., Douglas and Resnick, JJ., dissent.

95-412. State v. McLaughlin.  
Hamilton County, No. C-940989.

95-415. State v. Koch.  
Erie County, No. E-94-24.  
Moyer, C.J., dissents.  
Resnick, J., not participating.

95-417. State v. Bacon.  
Ottawa County, No. 94OT026.  
Resnick, J., not participating.

95-421. David R. Pheils, Jr. and Assoc. v. Palmer.

Lucas County, No. L-94-368.

95-436. Winters v. State Bd. of Edn.  
Columbiana County, No. 93C3.  
Wright and Cook, JJ., dissent.

95-438. State v. Hamblin.  
Cuyahoga County, No. 66556.

95-440. Bur-Bun, Inc. v. Toledo Dept. of Health & Environment.  
Lucas County, No. L-94-099.  
Resnick, J., not participating.

95-443. State v. Johnson.  
Summit County, No. 16610.

95-446. State v. Freeman.  
Shelby County, Nos. 17-94-33 and 17-94-34.

95-448. State v. Norris.  
Stark County, No. CA-9436.

95-465. State v. Hester.  
Hamilton County, No. C-940426.

95-472. Peters v. Jackson.  
Jackson County, No. 94CA732.

95-488. State v. Nicholson.  
Cuyahoga County, No. 66837.

95-491. Auto-Owners Ins. Co. v. Hoot.  
Lucas County, No. L-94-218.  
Resnick, J., not participating.

95-493. In re Estate of Catchings.  
Hamilton County, No. C-940121.

95-496. Tingley v. Williams Cty. Dept. of Human Serv.  
Williams County, No. 94WM000007.  
Resnick, J., not participating.

95-518. State v. Erwin.  
Greene County, No. 94-CA-25.

95-529. State v. Adams.  
Cuyahoga County, No. 68394.

95-560. State v. Adkins.  
Cuyahoga County, No. 66785.

95-568. State v. Watson.  
Hamilton County, Nos. C-940067 and C-940068.

95-582. State v. Andrews.  
Cuyahoga County, No. 66960.

MOTION DOCKET

94-1962. Creed v. Sauline.  
Trumbull County, No. 93-T-4977. On motion to strike. Motion denied.  
Moyer, C.J., Wright and Cook, JJ., dissent.

94-2593. State v. Palmer.  
Franklin County, No. 87AP-21. On motion for appointment of counsel.  
Motion denied.

94-2622. State v. Otte.  
Cuyahoga County, No. 64617. On pro se motion for appointment of new  
counsel. Motion denied.

95-753. State v. Sullivan.  
Cuyahoga County, No. 66831. On motion for leave to file delayed  
appeal. Motion denied.  
Moyer, C.J., Resnick and Pfeifer, JJ., dissent.

95-758. State v. Brockwell.  
Cuyahoga County, No. 67134. On motion for leave to file delayed  
appeal. Motion granted.  
Douglas and F.E. Sweeney, JJ., dissent.

95-776. State v. McDougal.  
Cuyahoga County, No. 68093. On motion for leave to file delayed  
appeal. Motion denied.  
Resnick, J., dissents.

95-780. O'Neill v. Showa Denko K.K.  
Cuyahoga County, No. 66059. On motion for admission pro hac vice of  
James vanR Springer. Motion granted.

95-791. State v. Johnson.  
Montgomery County, No. 13981. On motion for leave to file delayed  
appeal. Motion granted.  
Douglas, F.E. Sweeney and Cook, JJ., concur.

95-850. State v. Wine.  
Jefferson County, No. 91J23. On motion for leave to file delayed  
appeal. Motion denied.

DISCRETIONARY APPEALS ALLOWED

95-367. Medina v. Perumbeti.  
Cuyahoga County, No. 66732.  
Resnick, F.E. Sweeney and Pfeifer, JJ., dissent.

95-450. State v. Thompkins.  
Montgomery County, Nos. 14703, 14704, 14705, 14755, 14802, 14851,  
14852, 14870, 14871, 14877, 14878, 14879, 14887, 14896, 14897, 14898,  
14899, 14909, 14911, 14912, 14923, 14927, 14928, 14941, 14952, 14956,  
14957, 14958, 14959, 14960, 14961, 14962 and 14963.  
Moyer, C.J., F.E. Sweeney and Cook, JJ., dissent.

DISCRETIONARY APPEALS NOT ALLOWED

- 94-189. Haukedahl v. St. Luke's Hosp.  
Lucas County, No. L-92-011. (Appeal by Darrell K. Evans, M.D.; second appeal by Robert E. Kose, M.D.)  
Douglas, Wright and Resnick, JJ., dissent.
- 95-302. Hardesty v. P.J. Bordner Co.  
Stark County, Nos. 1994CA00135 and 1994CA00137. On cross-appeal by P.J. Bordner Company, Inc. Cross-appeal denied.
- 95-327. Henderson v. Spring Run Allotment.  
Wayne County, No. 2892. Discretionary appeal and cross-appeal not allowed.  
Moyer, C.J., dissents.  
Cook, J., not participating.
- 95-352. Houts v. Houts.  
Mercer County, No. 10-94-10.
- 95-362. Williams-Bey v. Russell.  
Warren County, No. CA94-04-039.
- 95-382. State ex rel. Quirke v. Patriarca.  
Lake County, No. 94-L-161.  
Moyer, C.J., and Pfeifer, J., dissent.
- 95-384. Matheny v. Ohio Bancorp.  
Trumbull County, No. 94-T-5022.
- 95-392. Curran v. Walsh Jesuit High School.  
Summit County, No. 16815. Discretionary appeal and cross-appeal not allowed.  
Resnick, J., dissents.
- 95-406. Walter v. Bethesda Hosp., Inc.  
Hamilton County, No. C-930545.  
Resnick, J., dissents.
- 95-420. McCabe/Marra Co. v. Dover.  
Cuyahoga County, No. 66798. (Appeal by Aetna Casualty and Surety Company; second appeal by McCabe/Marra Company.)  
Moyer, C.J., Douglas and Wright, JJ., dissent.
- 95-424. Trotter v. Trotter.  
Delaware County, No. 94CAF05012.
- 95-426. Springfield Local School Dist. Bd. of Edn. v. Springfield Local School Classroom Teachers Assn.  
Mahoning County, No. 93 C.A. 245.  
Douglas and Resnick, JJ., dissent.
- 95-428. S. Ohio Coal Co. v. Kidney.  
Meigs County, No. 93CA522.  
Wright, J., dissents.

95-430. Liberty Mut. Ins. Co. v. Paris.  
Cuyahoga County, No. 66719. (Appeal by Julius Paris; second appeal by  
R & W Contracting & Excavating, Inc.)

95-431. Hughes v. Brogan.  
Franklin County, Nos. 94APE05-731 and 94APE08-1226. (Appeal by T.S.  
Expediting Services, Inc.; second appeal by James G. Brogan.)  
Wright and Cook, JJ., dissent.

95-433. State v. Miller.  
Defiance County, No. 4-93-24.

95-434. Brenner Marine, Inc. v. George J. Goudreau, Jr., Trust.  
Lucas County, No. L-93-077. Discretionary appeal and cross-appeal not  
allowed.  
Douglas and Wright, JJ., dissent.

95-437. Simmons v. Dimitrouleas Wallcovering, Inc.  
Montgomery County, No. 14804.

95-439. Richards v. Rubicon Mill Condominium Assn.  
Montgomery County, No. 14666.  
Wright, J., dissents.

95-454. Cates v. Consolidated Rail Corp.  
Montgomery County, No. 14432. (Appeal by Luann M. Cates et al.)  
Resnick, J., dissents.

95-459. Lewis v. Ohio Edison Co.  
Mahoning County, No. 94 C.A. 20.  
Wright, J., dissents.  
Cook, J., not participating.

95-467. Blanton v. Pine Creeks Farms.  
Scioto County, No. 94CA2239.

95-469. Hunter v. BPS Guard Serv.  
Franklin County, No. 94APE05-771.

95-478. Marchionda v. Youngstown.  
Mahoning County, No. 93 C.A. 30.

95-481. Barbee v. Finerty.  
Defiance County, No. 4-94-12.  
Moyer, C.J., and Resnick, J., dissent.

95-489. Rechenbach v. Haftkowycz.  
Cuyahoga County, No. 66858.

95-500. Taylor v. Miami Twp. Bd. of Trustees.  
Montgomery County, No. 14698.

95-534. State v. Flora.  
Cuyahoga County, No. 66407.

95-535. State v. Flora.  
Cuyahoga County, No. 67181.

95-554. Blumenthal v. Medina Supply Co.  
Cuyahoga County, No. 67454.  
Wright, J., dissents.

RECONSIDERATION DOCKET

94-63. Ashland Oil, Inc. v. Tracy.  
Board of Tax Appeals, Nos. 91-M-1379 and 91-M-1380. Reported at 72  
Ohio St.3d 77, N.E.2d . On motion for reconsideration. Motion  
denied.

94-2556. State v. Larabee.  
Fairfield County, No. 892. Reported at 72 Ohio St.3d 54,  
N.E.2d . On motion for reconsideration. Motion denied.  
Pfeifer, J., dissents.

95-105. Jurek v. Ohio Motor Vehicles Dealers Bd.  
Cuyahoga County, No. 66373. Reported at 72 Ohio St.3d 1413,  
N.E.2d . On motion for reconsideration. Motion denied.

95-124. Armco Steel Corp. v. Catchpole.  
Butler County, No. CA94-02-037. Reported at 72 Ohio St.3d 1415,  
N.E.2d . On motion for reconsideration. Motion denied.  
Moyer, C.J., Wright and Cook, JJ., dissent.