

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  
June 14, 1995

MERIT DOCKET

93-2432. Ohio Bur. of Workers' Comp. v. Etheridge.  
Cuyahoga County. Appeal from the Court of Appeals for Cuyahoga  
County, No. 63692. Judgment affirmed.

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

93-2507. Strief v. Cincinnati.  
Hamilton County. Appeal from the Court of Appeals for Hamilton  
County, No. C-920681. Judgment reversed.

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

94-120. Transamerica Ins. Co. v. Nolan.  
Warren County. Appeal from the Court of Appeals for Warren County,  
No. CA93-04-035. Judgment affirmed.

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

94-314. Hernandez v. Martin Chevrolet, Inc.  
Trumbull County. Certified by the Court of Appeals for Trumbull  
County, No. 92-T-4739. Judgment reversed.

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

94-428. Sharp v. Norfolk & W. Ry. Co.  
Erie County. Appeal and Cross-Appeal from the Court of Appeals for

Erie County, No. E-92-17. Judgment affirmed.

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

Wright, J., dissents.

James M. Porter, J., of the Eighth Appellate District, sitting for Resnick, J.

94-1449. Cent. Transport, Inc. v. Tracy.

Appeal from the Board of Tax Appeals, Nos. 91-D-1553 and 91-D-1554. Decision affirmed.

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

Wright, Pfeifer and Cook, JJ., dissent.

94-2590. State v. Goney.

Montgomery County. Appeal from the Court of Appeals for Montgomery County, No. 13474. Judgment affirmed.

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

94-2662. Disciplinary Counsel v. Ostheimer.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 93-71. Stephen Lee Ostheimer is permanently disbarred.

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

94-2674. Cuyahoga Cty. Bar Assn. v. Glenn.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 93-49. Everett L. Glenn is suspended from the practice of law in the state of Ohio for one year and required to make full restitution.

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

Douglas, Wright and Resnick, JJ., dissent.

94-2694. State v. Travis.

Cuyahoga County. Appeal from the Court of Appeals for Cuyahoga County, No. 56825. Judgment affirmed.

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

94-2736. State v. Humphrey.

Montgomery County. Appeal from the Court of Appeals for Montgomery County, No., 12189. Judgment affirmed.

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

SUPREME COURT OF OHIO

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MERIT DOCKET

95-480. State ex rel. Chandler v. Ohio Adult Parole Auth.  
In Habeas Corpus. Sua sponte, cause dismissed.

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

95-631. Perotti v. Collins.  
In Habeas Corpus. Sua sponte, cause dismissed.

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

95-700. State ex rel. The Cincinnati Enquirer v. Warren Cty.  
In Mandamus. On motion to dismiss. Motion to dismiss sustained.  
Cause dismissed as moot.

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

95-759. State ex rel. Gearing v. Gaughan.  
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.

95-760. State ex rel. Reeder v. Corrigan.  
In Mandamus. On motion to strike or alternatively to dismiss.  
Motion to dismiss sustained. Cause dismissed.

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

95-763. State ex rel. Sherrills v. Eighth Dist. Court of Appeals.  
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.

95-779. Scales v. Ohio Adult Parole Auth.  
In Habeas Corpus. Sua sponte, cause dismissed.

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

95-792. Wise v. Ohio Parole Authorities.

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.

95-806. Brancho v. Shiplevy.

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.

95-815. Brenneman v. Behrman.

In Mandamus. Sua sponte, cause dismissed.

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

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

95-827. State ex rel. Harris v. Brogan.

On motion to dismiss, motion to compel discovery and request for production of documents, and motion for stay pending ruling on motion to compel discovery, production of documents, and appointment of counsel. Motion to dismiss granted; all other motions denied; cause dismissed.

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

Pfeifer, J., dissents, would treat the above motions as a motion for delayed appeal, and would grant the delayed appeal.

95-830. State ex rel. Walters 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., Douglas, Wright, Resnick, F.E. Sweeney, Pfeifer and Cook, JJ., concur.

95-834. Ringel v. Adrine.

In Quo Warranto. 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.

95-843. State ex rel. The Cincinnati Post v. Cincinnati.

In Mandamus. Sua sponte, cause consolidated with 95-675, 95-677 and 95-686, supra. Sua sponte, alternative writ granted.

Pfeifer, J., dissents and would grant a peremptory writ.

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

95-348. Krier v. Franklin Cty. Bd. of Revision.

Franklin County, Nos. 94APH05-679, 94APH05-680, 94APH05-681, 94APH05-682 and 94APH05-683. On discretionary appeals and cross-appeals. Discretionary appeals and cross-appeals overruled.

(Appeal by Geraldine E. Krier, second appeal by Suzanne Cruickshank, third appeal by Jane B. Perry, fourth appeal by Elmer and Mary Collins, and fifth appeal by Meadowbrook Partners.)

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

95-468. State v. Norris.  
Stark County, No. CA-9436.

95-487. State v. Parsons.  
Huron County, No. H-93-47.  
Pfeifer, J., would allow Propositions of Law Nos. II and III  
only.  
Resnick, J., not participating.

95-492. Renz v. Renz.  
Athens County, No. 93CA1585.  
F.E. Sweeney, J., dissents.

95-498. Shaheen v. Meros.  
Cuyahoga County, No. 66860.  
Pfeifer, J., dissents.

95-502. State v. Manos.  
Cuyahoga County, No. 68453.

95-505. May v. Bowland.  
Hamilton County, Nos. C-940107 and C-940153.

95-507. State v. Knuckles.  
Butler County, No. CA93-11-222.  
Moyer, C.J., and Wright, J., dissent.

95-509. Wilson v. State.  
Hocking County, No. 94CA18.

95-511. In re Kell.  
Stark County, No. 94CA0107.

95-514. State v. Satterwhite.  
Montgomery County, No. 14699.  
Moyer, C.J., and Pfeifer, J., dissent.

95-519. State v. Gillespie.  
Montgomery County, No. CA 14595.

95-530. State v. Franklin.  
Hamilton County, No. C-930760.  
Wright and Pfeifer, JJ., dissent.

95-533. State v. Burrage.  
Cuyahoga County, Nos. 66520 and 66521.

95-538. State v. Young.  
Darke County, No. 1354.

95-539. Cincinnati ex rel. Brand v. Cincinnati.  
Hamilton County, No. C-930546.

95-543. In re Hermann.  
Miami County, No. 94CA12.  
Douglas and Resnick, JJ., dissent.

95-551. State v. Caine.  
Cuyahoga County, No. 66469.

95-552. State v. McKinney.  
Cuyahoga County, No. 67364.

95-555. Beattie v. Univ. of Cincinnati.  
Hamilton County, No. C-930940.  
F.E. Sweeney and Pfeifer, JJ., dissent.

95-557. State v. Johnson.  
Stark County, No. 1994CA00051.

95-558. State v. McAdams.  
Hamilton County, No. C-930715.

95-563. Hall v. Masry.  
Columbiana County, No. 92-C-34.  
Douglas, Resnick and F.E. Sweeney, JJ., dissent.

95-565. Hater v. Gradison Div. of McDonald & Company Securities,  
Inc.  
Hamilton County, No. C-930629. On discretionary appeal and on  
motion for admission pro hac vice of Albert Zuard Renkey.  
Discretionary appeal denied and motion denied.  
Resnick and F.E. Sweeney, JJ., dissent.  
Pfeifer, J., not participating.

95-566. Knutty v. Wallace.  
Franklin County, No. 94APE05-714.  
Wright, J., dissents.

95-567. Hunter v. BPS Guard Services, Inc.  
Franklin County, No. 94APE05-771.  
Pfeifer, J., dissents.

95-572. Grafton v. Ohio Edison Co.  
Lorain County, No. 94CA005877.  
Moyer, C.J., Douglas and Wright, JJ., dissent.

95-573. Rijo v. Rijo.  
Hamilton County, No. C-930704.  
F.E. Sweeney, J., dissents.

95-583. State v. Thomas.  
Hamilton County, No. C-940558.

95-612. Conner v. Renz.  
Athens County, Nos. 93CA1579, 93CA1585, 93CA1605 and 93CA1606.

95-621. Goldfarb v. The Robb Report, Inc.  
Franklin County, Nos. 94APE04-560 and 94APE05-678.

95-622. State v. Banks.  
Cuyahoga County, No. 66811.

95-628. Dragojevic-Wiczen v. Wiczen.  
Trumbull County, No. 94-T-5091.

95-630. State v. Crowder.  
Montgomery County, No. 14478.

95-643. State v. Carnes.  
Columbiana County, No. 94C78.

95-655. State v. Blackmon.  
Franklin County, No. 94APA05-773.

#### MOTION DOCKET

94-397. State ex rel. Richardson v. Quarto Mining Co.  
Franklin County, No. 93APD03-369. On request for oral argument.  
Request denied.

94-1769. State ex rel. Newton v. Court of Claims.  
In Mandamus and Prohibition. On request for oral argument. Request  
denied.

94-2575. State ex rel. Lyons v. Ohio Adult Parole Auth.  
In Mandamus. On motion to produce/transmit record. Motion denied.

95-68. State ex rel. Zanders v. Anderson.  
Lorain County, No. 94CA005925. On motion to strike. Motion denied;  
sua sponte, appellee given ten days to file his brief.

95-577. State ex rel. Daily v. Swift.  
In Mandamus and Prohibition. On motion to amend complaint. Motion  
granted.  
Cook, J., dissents.

95-675. State ex rel. The Cincinnati Enquirer v. Hamilton Cty.  
Sua sponte, cause consolidated with 95-677, 95-686 and 95-843,  
infra. On motion to dismiss. Sua sponte, alternative writ granted.  
Pfeifer, J., dissents and would grant a peremptory writ.

95-677. State ex rel. The Cincinnati Enquirer v. Cincinnati.  
In Mandamus. Sua sponte, cause consolidated with 95-675, supra, and  
with 95-686 and 95-843, infra. Sua sponte, alternative writ granted.  
Pfeifer, J., dissents and would grant a peremptory writ.

95-686. State ex rel. The Cincinnati Post v. Hamilton Cty.  
In Mandamus. Sua sponte, cause consolidated with 95-675 and 95-677,  
supra, and with 95-843, infra. On motion to dismiss. Sua sponte,  
alternative writ granted.  
Pfeifer, J., dissents and would grant a peremptory writ.

95-928. State v. Slife.  
Shelby County, No. 17-94-16. On motion for leave to file delayed  
appeal. Motion denied.

95-997. LaGuta v. Anderson.  
Richland County, No. 95CA16. On motion to transfer/or incorporate

records of 94-2411, State v. LaGuta, Cuyahoga County, No. 63469.  
Motion denied.

DISCRETIONARY APPEALS ALLOWED

95-321. ASA Architects, Inc. v. Schlegel.  
Franklin County, No. 94APE05-765. On discretionary appeal and  
cross-appeal. Discretionary appeal and cross-appeal allowed.  
Resnick and F.E. Sweeney, JJ., dissent.

95-380. McManus v. Belcher.  
Lucas County, No. L-94-032. On discretionary appeal. Discretionary  
appeal allowed; sua sponte, cause held for the decision in 94-354,  
McAuliffe v. W. States Import Co., Cuyahoga County, No. 65297;  
briefing schedule stayed.  
Pfeifer, J., dissents.  
Douglas and Resnick, JJ., not participating.

95-464. Kay v. Marc Glassman, Inc.  
Summit County, No. 16726.  
Moyer, C.J., Wright and Cook, JJ., dissent.

DISCRETIONARY APPEALS NOT ALLOWED

95-471. Gehron v. Petry.  
Preble County, No. CA94-04-008.  
Wright, J., dissents.

95-476. Brkic v. Cleveland.  
Cuyahoga County, No. 67129.  
Wright and Resnick, JJ., dissent.

95-477. Duckworth v. Lutheran Med. Ctr.  
Cuyahoga County, Nos. 65738 and 65995.  
F.E. Sweeney and Pfeifer, JJ., dissent.

95-482. State v. Finfrock.  
Montgomery County, No. 15007.  
Pfeifer, J., dissents.

95-495. Edwards v. Thomas H. Lurie & Assoc.  
Franklin County, No. 94APE01-21. (Appeal by Thomas H. Lurie &  
Associates et al.; second appeal by Hinson Company et al.)  
Wright and Pfeifer, JJ., dissent.

95-513. Johnson v. Brandy.  
Greene County, No. 93-CA-26.

95-517. Patton v. Patton.  
Clinton County, No. CA94-04-011.

95-522. Pratt v. McCullough.  
Warren County, No. CA94-04-044.

95-527. Manley v. Perkins Twp. Bd. of Trustees.

Erie County, No. E-94-4.  
Douglas, J., dissents.

95-532. Oxford Oil Co. v. Transatlantic Energy Corp.  
Muskingum County, No. 9323.

95-548. Salabaschew v. TRW, Inc.  
Cuyahoga County, No. 67851.

95-569. Guthrie v. Ohio Dept. of Human Serv.  
Franklin County, No. 94APE05-708.

95-570. Guy v. Buckeye Publishing Co.  
Columbiana County, No. 93C33.  
Wright and Cook, JJ., dissent.

95-571. Honchell v. Gen. Elec. Co.  
Hamilton County, No. C-930667.  
Resnick, J., not participating.

95-606. Hatlestad v. Hatlestad.  
Athens County, No. 94CA1624.

95-608. State v. Bojar.  
Cuyahoga County, No. 66657.

#### RECONSIDERATION DOCKET

93-2582. Connors v. Sterling Milk Co.  
Henry County, No. 7-93-12. Reported at 72 Ohio St.3d 1208,  
N.E.2d . On motion for reconsideration. Motion denied.  
Pfeifer, J., dissents.

94-55. Am. States Ins. Co. v. Rubin.  
Hamilton County, Nos. C-920511, C-920512, C-920513 and C-920521.  
Reported at 72 Ohio St.3d 1207, N.E.2d . On motion for  
reconsideration. Motion denied.  
Douglas and Pfeifer, JJ., dissent.

94-363. Logsdon v. Nichols.  
Franklin County, No. 93AP-1025. Reported at 72 Ohio St.3d 124,  
N.E.2d . On motion for reconsideration and on motion for  
clarification and/or correction of record concerning Robert C.  
Paxton II, Esq. Motions denied.  
Douglas, J., dissents and would grant both motions.

94-1997. State ex rel. Market/Media Research, Inc. v. Cuyahoga Cty.  
Court of Appeals.  
In Mandamus. Reported at 72 Ohio St.3d 1209, N.E.2d . On  
motion for reconsideration. Motion denied.

94-2702. Andolsek v. Kirtland.  
Lake County, No. 94-L-038. Reported at 72 Ohio St.3d 1420,  
N.E.2d . On motion for reconsideration. Motion denied.

95-122. Visyak v. Wintersville.

Jefferson County, No. 94-J-1. Reported at 72 Ohio St.3d 1413,  
N.E.2d . On motion for reconsideration. Motion denied.

95-299. Crawford v. LTV Steel Co.  
Cuyahoga County, No. 67461. Reported at 72 Ohio St.3d 1416,  
N.E.2d . On motion for reconsideration. Motion denied.  
F.E. Sweeney and Pfeifer, JJ., dissent.

DISCIPLINARY DOCKET

95-837. Disciplinary Counsel v. Greene.  
Sua sponte, cause set for oral argument.  
Douglas and Resnick, JJ., dissent.