

## SUPREME COURT OF OHIO

## COLUMBUS

## ANNOUNCEMENT

9:00 A.M.

WEDNESDAY

September 23, 1998

## MERIT DOCKET

97-2141. Caldwell v. Greek Corp.

Lucas App. No. L-96-397. Sua sponte, the court determines that no conflict exists within the meaning of S.Ct.Prac.R. IV(2)(B). This cause is therefore dismissed.

Moyer, C.J., Douglas, Nahra, F.E. Sweeney, Pfeifer, Cook and Lundberg Stratton, JJ., concur.

Joseph J. Nahra, J., of the Eighth Appellate District, sitting for Resnick, J.

98-1406. State ex rel. Heyward v. Borchert.

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

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

98-1408. State ex rel. Hoskins v. Niehaus.

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

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

98-1459. State ex rel. Gregory v. Money.

In Mandamus. Sua sponte, cause dismissed.

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

98-1493. State ex rel. Bandlow v. Nahra.

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

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

98-1504. State ex rel. Cannon 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, Resnick, F.E. Sweeney, Pfeifer, Cook

and Lundberg Stratton, JJ., concur.

98-1536. State v. Hoskins.

Franklin App. No. 97APA10-1384. On review of order certifying a conflict. The court determines that no conflict exists within the meaning of S.Ct.Prac.R. IV(2)(B). See State v. Rush (1998), 83 Ohio St.3d 53, 697 N.E.2d 634. This cause is therefore dismissed.

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

98-1546. State ex rel. LeMaster v. Pepple.

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

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

98-1551. State ex rel. Wilmington v. Powell.

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

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

98-1584. State ex rel. Floyd v. Cain.

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

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

Lundberg Stratton, J., dissents and would grant the writ.

98-1589. State v. Willingham.

Clermont App. No. CA97-10-085. On review of order certifying a conflict. The court determines that no conflict exists within the meaning of S.Ct.Prac.R. IV(2)(B). See State v. Rush (1998), 83 Ohio St.3d 53, 697 N.E.2d 634. This cause is therefore dismissed.

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

98-1596. State ex rel. Wilson v. Ghee.

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

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

98-1645. Adams v. Money.

In Habeas Corpus. Sua sponte, cause dismissed.

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

98-1725. Nash v. Mack.

In Habeas Corpus. Sua sponte, cause dismissed.

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

98-1731. Bodnar v. Warren.

In Habeas Corpus. Sua sponte, cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer and  
Lundberg Stratton, JJ., concur.  
Cook, J., not participating.

98-1749. Harper v. Ohio Adult Parole Auth.  
In Habeas Corpus. Sua sponte, cause dismissed.  
Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook  
and Lundberg Stratton, JJ., concur.

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

98-1081. Stewart v. Stewart.  
Montgomery App. Nos. 16649 and 16769.

98-1095. State v. McGuire.  
Preble App. No. CA97-06-015.

98-1100. State v. Pinette.  
Franklin App. No. 97APA08-1108.

98-1102. State v. Arnold.  
Greene App. No. 97CA108.

98-1103. State v. Harden.  
Summit App. No. 18682.

98-1112. State v. Lojas.  
Franklin App. No. 97APC08-1082.  
Pfeifer, J., dissents.

98-1113. Maple Hts. v. Edwards.  
Cuyahoga App. No. 72333.

98-1118. State v. Douglas.  
Summit App. No. 18642.  
Pfeifer, J., dissents.

98-1119. Soltesz v. Diversitec Image Technology, Inc.  
Lucas App. No. L-97-1298.

98-1120. State v. Robinson.  
Summit App. No. 19032.

98-1121. Garwood v. State Med. Bd. of Ohio.  
Franklin App. No. 97APE10-1325.

98-1122. Madison Designs, Inc. v. Fifth Third Bank.  
Hamilton App. No. C-970181.

98-1131. Linn v. Linn.  
Seneca App. No. 13-97-48.  
Moyer, C.J., Resnick and Pfeifer, JJ., dissent.

98-1132. State v. Sanchez.  
Greene App. No. 97CA32.

98-1133. Webb v. Webb.  
Athens App. No. 97CA45. On discretionary appeal, motion for temporary restraining order, and motion for injunctive relief. Discretionary appeal and motions denied.  
Resnick, J., dissents.

98-1136. State v. Burrell.  
Cuyahoga App. No. 72113.

98-1137. State v. Leonard.  
Cuyahoga App. No. 72403.

98-1139. State v. Merriweather.  
Lorain App. No. 97CA006693.

98-1164. Freeman v. Hinkston.  
Hamilton App. No. C-970337.  
Cook, J., dissents and would hold this cause for the decision in 97-2398, Cuyahoga Child Support Enforcement Agency v. Guthrie, Cuyahoga App. No. 72216.  
Lundberg Stratton, J., dissents.

98-1169. State Sav. Bank v. Gunther.  
Union App. Nos. 14-97-33 and 14-97-41.

98-1178. Dunn v. Rossborough Mfg. Co.  
Lorain App. No. 96CA006632.  
Douglas, Resnick and F.E. Sweeney, JJ., dissent.

98-1180. Community Mut. Ins. Co. v. Kaczmariski.  
Lucas App. No. L-97-1220.  
Douglas, J., dissents.  
Resnick and Cook, JJ., not participating.

98-1181. State v. Kemp.  
Hamilton App. No. C-960478.

98-1182. State v. Corner.  
Shelby App. No. 17-97-13.

98-1190. Cardone v. Cardone.  
Summit App. Nos. 18349 and 18673.  
Moyer, C.J., dissents.

98-1191. Indus. Comm. v. Dayton Walther Corp.  
Franklin App. Nos. 97APE06-746, 97APE06-747, 97APE06-748 and 97APE06-749.  
Moyer, C.J., Cook and Lundberg Stratton, JJ., dissent.

98-1192. Columbus v. Mezacapa.  
Franklin App. No. 97APC09-1209.  
Douglas, J., dissents.

98-1194. Mayrides v. Ohio Adult Parole Auth.  
Franklin App. No. 97APE08-1035.

98-1195. Sharp v. Brennan.  
Erie App. No. E-97-133.

98-1196. McMunn v. Mt. Carmel Health.  
Franklin App. No. 97APE05-643.  
Lundberg Stratton, J., dissents.

98-1201. Finfrock v. Ohio Adult Parole Auth.  
Franklin App. No. 97APE09-1231.

98-1202. State v. Spirko.  
Van Wert App. No. 15-97-12.

98-1205. Columbus v. Triplett.  
Franklin App. No. 97APE09-1206.  
Lundberg Stratton, J., not participating.

98-1206. Endicott v. Johrendt.  
Franklin App. No. 97APE08-1122.

98-1215. State v. Johnson.  
Franklin App. No. 97APA03-315.

98-1223. State v. Martin.  
Warren App. No. CA97-07-072.

98-1224. Gargiulo v. Walden.  
Cuyahoga App. No. 72570.  
Resnick, J., dissents.

98-1225. State v. White.  
Cuyahoga App. No. 72011.

98-1235. State v. Tankersley.  
Cuyahoga App. No. 72398.

98-1236. State v. Tankersley.  
Cuyahoga App. No. 72399.

98-1245. State v. Spicer.  
Hamilton App. No. C-970480.  
Resnick and Lundberg Stratton, JJ., dissent.

98-1246. Cincinnati v. Sidney.  
Hamilton App. No. C-970310.

98-1248. Carratola v. Ohio State Dental Bd.  
Summit App. No. 18658.

98-1249. Levorchick v. DeHart.  
Miami App. No. 97CA52.

98-1252. State v. Broom.  
Cuyahoga App. No. 72581.

98-1253. State v. Robinson.  
Hamilton App. No. C-980369.

98-1260. State v. Ridgeway.  
Cuyahoga App. No. 56875.

98-1267. State v. Gaffney.  
Marion App. No. 9-98-02.  
Moyer, C.J., dissents.

98-1270. Schlipf v. Ohio Bur. of Motor Vehicles.  
Ottawa App. No. OT-97-058.  
Moyer, C.J., and Lundberg Stratton, J., dissent.  
Resnick, J., not participating.

98-1273. Rini v. Rini.  
Cuyahoga App. No. 72414.

98-1277. State v. Caslin.  
Franklin App. No. 97APA09-1275.

98-1284. State v. Zhao.  
Cuyahoga App. No. 72568.

98-1286. State v. Brown.  
Stark App. No. 1997CA00363.

98-1287. State v. Dissette.  
Lake App. No. 98-L-022.

98-1288. State v. Austin.  
Hamilton App. No. C-970166.

98-1290. State v. Jells.  
Cuyahoga App. No. 72484.  
Moyer, C.J., dissents.

98-1294. State v. Bates.  
Franklin App. No. 97APA02-171.

98-1296. State v. Cayson.  
Cuyahoga App. No. 72712.

98-1304. Irvine v. K-Mart Corp.  
Cuyahoga App. No. 72260.

98-1305. Yonkings v. Wilkinson.  
Franklin App. No. 97APE08-1083.  
Moyer, C.J., would allow on Proposition of Law No. I only.  
Douglas and Pfeifer, JJ., would allow.

98-1313. State v. Hallis.  
Cuyahoga App. No. 72589.

98-1314. State v. Gulosh.  
Stark App. No. 1996CA00381.

98-1316. Thomas v. Frick.  
Summit App. No. 18781.

98-1321. State v. Williams.  
Highland App. No. 97CA928.

98-1341. Marr v. Mercy Hosp.  
Lucas App. No. L-97-1160.  
Douglas, Resnick and Pfeifer, JJ., dissent.

98-1346. State v. Kohler.  
Fairfield App. No. 97CA0064.

98-1347. State v. Coffman.  
Delaware App. No. 97CAA11050.

98-1358. State v. Fennel.  
Hamilton App. No. C-920845.

98-1372. Johnson v. Bernard Group.  
Cuyahoga App. No. 72552.

98-1378. State v. Murray.  
Summit App. No. 15617.  
Cook, J., not participating.

98-1390. State v. Staats.  
Stark App. No. 1997CA00350.

98-1392. State v. Knight.  
Hamilton App. No. C-970563.  
Pfeifer, J., dissents.

98-1399. State v. Jones.  
Pickaway App. No. 92CA29.

98-1407. State v. Allen.  
Fayette App. No. CA97-02-004.

98-1477. State v. Monzo.  
Franklin App. No. 94APA06-867.

#### MOTION DOCKET

98-1074. State v. Jalowiec.  
Lorain App. No. 96CA006445. On motion to withdraw as counsel.  
Motion denied.

Sua sponte, it is ordered that appellant's merit brief be  
filed within seven days.

98-1096. State ex rel. Smirnoff v. Greene.  
Cuyahoga App. No. 74330. On request for oral argument and  
motion to expedite oral argument and decision on the merits.  
Request and motion denied.  
Douglas, J., dissents.

98-1395. State v. Clinton.  
Erie App. No. E-97-097. On review of order certifying a  
conflict. The court determines that a conflict exists; sua

sponte, cause held for the decision in 97-1985, State v. Cook, Allen App. No. 1-97-21; briefing schedule stayed.

98-1396. State v. Lyons.

Erie App. No. E-97-045. On review of order certifying a conflict. The court determines that a conflict exists; sua sponte, cause held for the decision in 97-1985, State v. Cook, Allen App. No. 1-97-21; briefing schedule stayed.

98-1403. D & A Rofael Ent., Inc. v. Tracy.

Board of Tax Appeals, No. 96-J-1000. On motion to consolidate case with case No. 98-1404, infra. Motion granted.

98-1404. Shteiwi v. Tracy.

Board of Tax Appeals, No. 96-J-999. On motion to consolidate case with case No. 98-1403, supra. Motion granted.

98-1486. State v. Boyd.

Huron App. No. H-97-041. On review of order certifying a conflict. The court determines that a conflict exists; sua sponte, cause held for the decision in 97-1985, State v. Cook, Allen App. No. 1-97-21; briefing schedule stayed.

98-1487. State v. Gross.

Huron App. No. H-97-049. On review of order certifying a conflict. The court determines that a conflict exists; sua sponte, cause held for the decision in 97-1985, State v. Cook, Allen App. No. 1-97-21; briefing schedule stayed.

98-1492. Cincinnati Indemn. Co. v. Martin.

Butler App. No. CA97-12-248. On review of order certifying a conflict. The court determines that a conflict exists; the parties are to brief the issue stated at pages 1-2 of the court of appeals' Entry Granting Motion to Certify dated July 14, 1998:

"The issue for certification is whether an insurer has a duty to indemnify and/or defend a homeowner/policyholder against a wrongful death claim by a non-household member wrongful death beneficiary who is not an `insured' under the policy when the death involved is that of an `insured' under the policy."

The conflict case is Allstate Ins. Co. v. Thompson (Aug. 26, 1990), Stark App. No. CA-8112, unreported, 1990 WL 125481.

Sua sponte, cause consolidated with 98-1384, infra.

Lundberg Stratton, J., dissents to the acceptance of this cause.

98-1507. State v. Morgan.

Marion App. No. 9-98-16. On review of order certifying a conflict. The court determines that a conflict exists; sua sponte, cause held for the decision in 97-1985, State v. Cook, Allen App. No. 1-97-21; briefing schedule stayed.

98-1511. State v. Thompson.

Cuyahoga App. No. 74224. On motion for leave to file delayed appeal. Motion denied.

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

98-1523. Hall v. Forsyth.  
Montgomery App. No. 17014. On motion for injunctive relief and emergency motion for temporary restraining order. Motions denied.

Lundberg Stratton, J., would dismiss the cause.

98-1533. State v. Brown.  
Franklin App. Nos. 97APA10-1368 and 97APA10-1369. On review of order certifying a conflict. The court determines that a conflict exists; sua sponte, cause consolidated with 98-1429, infra, and held for the decision in 97-1985, State v. Cook, Allen App. No. 1-97-21; briefing schedule stayed.

98-1534. State v. Butler.  
Franklin App. No. 97APA10-1430. On review of order certifying a conflict. The court determines that a conflict exists; sua sponte, cause consolidated with 98-1431, infra, and held for the decision in 97-1985, State v. Cook, Allen App. No. 1-97-21; briefing schedule stayed.

98-1535. State v. Scott.  
Franklin App. No. 97APA07-906. On review of order certifying a conflict. The court determines that a conflict exists; sua sponte, cause held for the decision in 97-1985, State v. Cook, Allen App. No. 1-97-21; briefing schedule stayed.

98-1540. State v. Allen.  
Fayette App. No. CA97-02-004. On motion for leave to file delayed appeal. Motion denied.  
Pfeifer, J., dissents.

98-1558. State v. Troche.  
Richland App. No. 96CA80. On motion for leave to file delayed appeal. Motion denied.  
Pfeifer, J., dissents.

98-1612. State v. Hughes.  
Stark App. No. 97CA0356. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the following issue found at page 1 of the court of appeals' Order Certifying a Conflict dated July 21, 1998:

"Does the longer 270-day statutory speedy trial provision, R.C. 2945.71(C)(2), apply to misdemeanor counts which are joined with a felony count in a single indictment?"

The conflict cases include State v. Doane (1990), 69 Ohio App.3d 638, 591 N.E.2d 735, and State v. Walton (1991), 77 Ohio App.3d 706, 603 N.E.2d 294.

98-1613. State v. Tumbleson.  
Clermont App. No. CA94-10-078. On motion for leave to file delayed appeal. Motion denied.

98-1827. State v. Johnson.  
Hamilton App. No. C-970695. On motion for stay. Motion denied.

DISCRETIONARY APPEALS ALLOWED

98-1099. Collins v. Down River Specialties, Inc.  
Cuyahoga App. No. 70840. Discretionary appeal allowed; sua  
sponte, cause consolidated with 98-1107, infra.

Moyer, C.J., Cook and Lundberg Stratton, JJ., dissent.

98-1107. Collins v. Down River Specialties, Inc.  
Cuyahoga App. No. 70842. Discretionary appeal allowed; sua  
sponte, cause consolidated with 98-1099, supra.

Moyer, C.J., Cook and Lundberg Stratton, JJ., dissent.

98-1111. State v. Lilly.  
Montgomery App. No. 16684.

Pfeifer and Cook, JJ., dissent.

98-1124. Clement v. Grant Mut. Cas. Co.  
Medina App. No. 2698-M. Discretionary appeal allowed; sua  
sponte, cause consolidated with 98-1185, infra, and held for the  
decision in 98-772, Csulik v. Nationwide Mut. Ins. Co., Stark  
App. No. 197CA00283; briefing schedule stayed.

Moyer, C.J., and Lundberg Stratton, J., dissent.

98-1127. State v. Tennyson.  
Hamilton App. No. C-970445. Sua sponte, cause held for the  
decision in 97-1985, State v. Cook, Allen App. No. 1-97-21;  
briefing schedule stayed.

98-1134. Vickers v. Howe.  
Morgan App. No. 96CA07. On appeal of Karen Vickers and cross-  
appeal of Steven D. Howe, D.O. Discretionary appeal and cross-  
appeal allowed.

98-1156. Bagnoli v. Northbrook Prop. & Cas. Ins. Co.  
Stark App. No. 97CA00415.

Moyer, C.J., Cook and Lundberg Stratton, JJ., dissent.

98-1179. DuBose v. Akron Pub. Schools.  
Summit App. No. 18707.

F.E. Sweeney, Pfeifer and Cook, JJ., dissent.

98-1185. Simcox v. Westfield Cos.  
Medina App. No. 2697-M. Discretionary appeal allowed; sua  
sponte, cause consolidated with 98-1124, supra, and held for the  
decision in 98-772, Csulik v. Nationwide Mut. Ins. Co., Stark  
App. No. 197CA00283; briefing schedule stayed.

Moyer, C.J., and Lundberg Stratton, J., dissent.

98-1291. Holzemer v. Urbanski.  
Lucas App. No. L-97-1257.

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

98-1293. Kraft Constr. Co. v. Cuyahoga Cty. Bd. of Commrs.  
Cuyahoga App. No. 72095.

Pfeifer and Cook, JJ., dissent.

98-1339. State v. Blanton.  
Warren App. No. CA97-12-125. Discretionary appeal allowed on

Propositions of Law Nos. I and II only; sua sponte, cause held for the decision in 97-1985, State v. Cook, Allen App. No. 1-97-21; briefing schedule stayed.

98-1384. Cincinnati Indemn. Co. v. Martin.  
Butler App. No. CA97-12-248. Sua sponte, cause consolidated with 98-1492, supra.

Lundberg Stratton, J., dissents.

98-1429. State v. Brown.  
Franklin App. Nos. 97APA10-1368 and 97APA10-1369. Sua sponte, cause consolidated with 98-1533, supra, and held for the decision in 97-1985, State v. Cook, Allen App. No. 1-97-21; briefing schedule stayed.

98-1431. State v. Butler.  
Franklin App. No. 97APA10-1430. Sua sponte, cause consolidated with 98-1534, supra, and held for the decision in 97-1985, State v. Cook, Allen App. No. 1-97-21; briefing schedule stayed.

DISCRETIONARY APPEALS NOT ALLOWED

98-1109. Wellman Seeds, Inc. v. Delphos.  
Van Wert App. No. 15-98-8.

98-1114. Shamansky v. Massachusetts Fin. Serv. Co.  
Franklin App. No. 97APE08-1037. On discretionary appeal and motion for admission pro hac vice of T.S.L. Perlman. Discretionary appeal and motion denied.

Pfeifer, J., dissents.

98-1150. Homan v. George.  
Franklin App. No. 97APE06-838.

Douglas, J., dissents.

98-1154. Holzer Clinic, Inc. v. Simpson.  
Gallia App. No. 97CA9.  
Pfeifer and Lundberg Stratton, JJ., dissent.

98-1155. Davis v. Iofredo.  
Cuyahoga App. No. 72367.  
Douglas and F.E. Sweeney, JJ., dissent.

98-1175. Routman v. Krutowski.  
Summit App. No. 18506.  
F.E. Sweeney, J., dissents.

98-1184. In re Guardianship of Skrobut.  
Mahoning App. No. 97 C.A. 18.  
Resnick, J., dissents.

98-1186. Pennington v. Bocker.  
Mahoning App. No. 97 C.A. 25.

98-1187. State v. Walker.  
Montgomery App. No. 16599.  
Moyer, C.J., and Douglas, J., dissent.

98-1188. State v. McDaniel.  
Montgomery App. No. 16221.

98-1197. State v. Young.  
Montgomery App. No. 16471.

98-1222. Coleman v. Canton.  
Stark App. No. 1997CA00303.  
Moyer, C.J., and Resnick, J., dissent.

98-1232. Aerosol Sys., Inc. v. Wells Fargo Alarm Serv.  
Cuyahoga App. No. 71216. (Appeal of Specialty Chemical  
Resources, Inc., d.b.a. Aerosol Systems, Inc., and cross-appeal  
of Wells Fargo Alarm Services.)  
Douglas, J., dissents.

98-1233. Gulitz v. Gulitz.  
Cuyahoga App. No. 73497.  
Moyer, C.J., dissents.

98-1237. State v. Swingle.  
Warren App. Nos. CA97-09-094 and CA97-09-096.  
Moyer, C.J., dissents.

98-1244. Colegrove v. Weyrick.  
Summit App. No. 18290.  
Lundberg Stratton, J., dissents.

98-1257. Leek v. Miller.  
Summit App. No. 18749.  
Douglas, J., dissents.

98-1258. State v. Bethley.  
Montgomery App. No. 16070.

98-1292. Verbarg v. Hamilton Cty. Bd. of Commrs.  
Hamilton App. No. C-970593.  
Douglas, J., dissents.

98-1299. Henderson v. Cincinnati.  
Hamilton App. No. C-970303.

98-1324. Hanley v. Hanley.  
Pickaway App. No. 97CA35.

98-1350. Pingue Properties, Inc. v. Enz, Jones & LeGrand.  
Franklin App. No. 97APE11-1453.

#### RECONSIDERATION DOCKET

97-1516. Balatgek v. State Farm Ins. Co.  
Franklin App. No. 96APE12-1619. Reported at 82 Ohio St.3d 384,  
\_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.  
Moyer, C.J., and Lundberg Stratton, J., dissent.

97-1626. Chamberlain v. AK Steel Corp.

Butler App. No. CA97-04-074. Reported at 82 Ohio St.3d 389, \_\_\_  
Ohio St.3d \_\_\_. On motion for reconsideration. Motion denied.  
Lundberg Stratton, J., dissents.

97-2282. Jewett v. Owners Ins. Co.  
Licking App. No. 97CA24. Reported at 82 Ohio St.3d 1244, \_\_\_  
N.E.2d \_\_\_. On motion for reconsideration. Motion denied.  
Lundberg Stratton, J., dissents.

97-2464. State ex rel. Raglin v. Brigano.  
Warren App. No. CA97-08-086. Reported at 82 Ohio St.3d 410, \_\_\_  
N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

98-776. Coles v. Ohio Bur. of Emp. Serv.  
Montgomery App. No. 16716. Reported at 82 Ohio St.3d 1480, \_\_\_  
N.E.2d \_\_\_. On motion for reconsideration. Motion denied.