

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

9:00 A.M.

WEDNESDAY

July 1, 1998

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

98-592. United Auto Workers Local Union 1112 v. Philomena.

Franklin App. Nos. 97APE01-100 and 97APE01-69.

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

98-764. Fairchild v. Curtis.

Guernsey App. No. 96-CA-33. (Appeal of Betty L. Fairchild and cross-appeal of Leader National Insurance Company.)

Douglas, J., would allow the appeal and the cross-appeal.

Resnick, J., would allow the appeal but deny the cross-appeal.

98-775. State v. Sanders.

Madison App. No. CA97-08-037.

98-784. Cermak v. Cermak.

Columbiana App. No. 96-CO-67.

98-787. State v. Miller.

Allen App. No. 19749.

98-788. State v. Lowery.

Hamilton App. No. C-961035.

Douglas, Resnick and F.E. Sweeney, JJ., dissent.

98-791. State v. Scott.

Mahoning App. No. 95-CA-140.

98-798. State v. Wilder.

Cuyahoga App. No. 71324.

98-800. In re Estate of Hamrick.

Summit App. No. 18378.

Douglas, J., dissents.

98-802. State v. Bortree.

Shelby App. No. 17-97-23.

98-806. State v. Wynter.

Miami App. No. 97-CA-36.

98-807. Asberry v. Spencer.

Lawrence App. No. 97-CA-49.

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

98-812. State v. Hartup.

Cuyahoga App. No. 72379.

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

98-819. Columbus v. Link.

Franklin App. No. 97APC09-1214.

98-833. State v. Kiraly.

Geauga App. No. 96-G-2037.

98-839. State v. Herman.

Clermont App. No. CA97-05-054.

Resnick and Lundberg Stratton, JJ., dissent.

98-840. State v. Carver.

Warren App. No. CA97-06-067.

98-848. Nelson v. Erie Ins. Co.

Stark App. No. 97CA0236.

98-857. State v. Kahl.

Lorain App. No. 97CA006816.

98-858. State v. Rivera.

Lake App. No. 97-L-318.

98-864. Howard v. Howard.

Montgomery App. No. 16542.

98-868. State v. Thomas.

Greene App. No. 97CA86.

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

98-883. Howard v. Indus. Comm.

Lucas App. No. L-97-1322.

Resnick, J., not participating.

98-890. State v. Davis.

Franklin App. No. 98AP-395.

98-930. State v. Colwell.

Hamilton App. No. C-970007.

98-933. State v. Greene.

Franklin App. No. 90AP-646.

98-938. State v. Lawhorn.
Cuyahoga App. No. 73999.

98-970. State v. Uhl.
Butler App. No. CA97-07-152.

98-977. State v. McNeely.
Coshocton App. No. 97CA7.

98-1009. Small v. Small.
Geauga App. Nos. 97-G-2057 and 97-G-2063.

DISCRETIONARY APPEALS ALLOWED

98-483. State v. Sunnycalb.
Butler App. No. CA97-05-100. Discretionary appeal allowed on Proposition of Law No. I only; *sua sponte*, cause held for the decision in 97-1985, *State v. Cook*, Allen App. No. 1-97-21; briefing schedule stayed.

98-832. State v. Turner.
Franklin App. No. 97APA07-952. 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.

98-834. State ex rel. McIntosh v. Osnaburg Local School Dist. Bd. of Edn.
Stark App. Nos. 97CA50, 97CA56 and 97CA60. Discretionary appeal allowed; *sua sponte*, cause consolidated with 97-2039, *E. Canton Edn. Assn. v. McIntosh*, Stark App. No. 96CA0293.
Douglas and Lundberg Stratton, JJ., dissent.

98-849. Schwarzbek v. Wauseon.
Fulton App. No. F-97-011.
Moyer, C.J., and Cook, J., would allow on Proposition of Law No. I only.
Lundberg Stratton, J., dissents.

98-856. Headley v. Ohio Gov. Risk Mgt. Plan.

Muskingum App. No. CT-97-17.

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

98-874. State v. Clinger.

Hancock App. No. 59737. Discretionary appeal allowed; *sua sponte*, cause held for the decision in 97-1985, *State v. Cook*, Allen App. No. 1-97-21; briefing schedule stayed.

98-967. State v. Scott.

Franklin App. No. 97APA07-906. Discretionary appeal allowed; *sua sponte*, cause held for the decision in 97-1985, *State v. Cook*, Allen App. No. 1-97-21; briefing schedule stayed.

98-1041. State v. McCardle.

Franklin App. No. 97APA09-1233. Discretionary appeal allowed; *sua sponte*, cause held for the decision in 97-1985, *State v. Cook*, Allen App. No. 1-97-21; briefing schedule stayed.

DISCRETIONARY APPEALS NOT ALLOWED

97-2219. Kotkowski v. Kotkowski.

Portage App. No. 96-P-238.

98-785. Cincinnati Ins. Co. v. Leeper.

Lucas App. No. L-97-1265.

Pfeifer and Lundberg Stratton, JJ., dissent.

98-811. Tiemann v. Univ. of Cincinnati.

Franklin App. No. 97API10-148.

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

98-813. State v. Rodriguez.

Lorain App. No. 98CA007037.

98-835. State v. Ferguson.

Franklin App. No. 97APA05-674.

Moyer, C.J., would allow on Proposition of Law No. I only.
Pfeifer and Lundberg Stratton, JJ., dissent.

98-838. Everhart v. Greenfield Twp. Water & Sewer Dist.

Fairfield App. No. 97CA48.

Moyer, C.J., dissents.

98-845. Hamilton v. RB&W Corp.

Cuyahoga App. Nos. 71795, 71796 and 71802.

Douglas and Cook, JJ., dissent.

98-851. Thomas Steel, Inc. v. Wilson Bennett, Inc.

Cuyahoga App. No. 72071.

98-860. Yommer v. Outdoor Ent., Inc.

Muskingum App. No. CT-97-34.

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

98-873. State v. Mackie.

Hamilton App. No. C-961145.

98-876. Fioretti v. The Lottery Channel, Inc.

Hamilton App. Nos. C-970320 and C-970321.

98-929. Mullins v. Dado.

Hamilton App. No. C-970087.

Moyer, C.J., would allow and hold for the decision in Nos. 97-402
and 97-551, *Ross v. Farmers Ins. Group of Cos.*