

SHAWN W. MAESTLE

Partner **SHAWN W. MAESTLE** is the co-Chair of Weston Hurd's Appellate section and a member of the firm's Litigation section. He focuses his practice in the areas of appellate, commercial and real estate, as well as estate planning and probate litigation. Shawn has handled several class action matters at both the trial and appellate level. These matters have involved investment broker fraud, lending and title practices, product liability as well as insurance coverage. Additionally, through his representation of developers, property owners and small businesses, he has significant experience in land use, zoning and general business matters. In 1994, Shawn was admitted to the Ohio Bar after graduating with distinction from Ohio Northern College of Law where he was elected to the Willis Society honoring his academic excellence in the study of law. Previously, he received his B.A. from Cleveland State University. As a member of the Ohio, Cleveland Metropolitan and Lake County Bar Associations, as well as the Ohio Trial Lawyers Association, Shawn keeps apprised of the legal issues affecting his clients and the community.

APPELLATE EXPERIENCE

- Appellate experience includes: more than 160 State Court appeals; more than 45 Ohio Supreme Court appeals; more than 25 Federal appeals; more than 115 oral arguments
- As the Appellant, Shawn has convinced the Ohio Supreme Court to accept jurisdiction to hear the merits of his clients' appeals more than ten times since 2001.

PUBLISHED CASES — SEE ATTACHED LIST

Contact Information

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Weston Hurd Client News - October 28, 2014

At Issue - Workplace Intentional Tort *Maestle and Cappel Notch Another Victory for Weston Hurd in the Ohio Supreme Court*

Today in *State ex rel. Yeaples v. Gall*, Slip Opinion No. 2014-Ohio-4724, the Ohio Supreme Court agreed with Shawn W. Maestle and Carolyn M. Cappel's argument that Relator, Donald Yeaples, was not entitled to either a Writ of Mandamus or Procedendo because he had failed to properly plead a co-employee workplace intentional tort. Consequently, the co-employee on the worksite at the time of Yeaples' injury was merely a nominal party and venue was not proper in Cuyahoga County.

In reaching this decision and reversing the Eighth District Court of Appeals for Cuyahoga County, the Supreme Court decided not to decide a broader issue of whether one employee can assert a workplace intentional tort against a co-employee as Yeaples contended was permitted under *Blankenship v. Cincinnati Milacron Chems., Inc.*, 69 Ohio St.2d 608, 433 N.E.2d 572 (1982).

Click here to view the Ohio Supreme Court's decision in [State ex rel. Yeaples v. Gall](#).

If you have questions or concerns about this case or any other matter, please feel free to contact Shawn Maestle or Carolyn Cappel.



Shawn W. Maestle is a Partner with Weston Hurd LLP and is the Chair of the firm's Appellate section and a member of the firm's Litigation section. He focuses his practice in the areas of appellate, commercial and real estate, as well as estate planning and probate litigation. Shawn can be reached at 216.687.3254 or SMaestle@westonhurd.com.



Carolyn M. Cappel is the Managing Partner of Weston Hurd LLP. She focuses her practice on products liability, employment litigation, construction litigation and personal injury. Since 2007, Carolyn has been listed in the *Best Lawyers in America* for Insurance Law and Product Liability Litigation. In 2013, Carolyn was recognized by the *Best Lawyers in America* as a "Lawyer of the Year" in Cleveland for Product Liability Litigation - Defendants. Carolyn can be reached at (216) 687-3213 or at

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For more information about Shawn Maestle and Carolyn Cappel, please visit www.westonhurd.com.



Weston Hurd Client News - October 2014

The Ohio Supreme Court Unanimously Agrees with Maestle and Farnan that a Person's Domicile is the Home to Which the Person Has the Intention of Returning and One's Domicile is Never Temporary or Transient

In 2012, the Cuyahoga Court of Appeals held that an Ohio born individual who moves to Florida but continues to work in Ohio maintains his Ohio domicile despite his clear intention to relocate his home to Florida.

James Schill, who is in his 80s, moved to Florida over 20 years ago. Over the next two decades, Schill would return to Ohio approximately two weeks per month to run his business. Mr. Schill always intended to return to his Florida residence, where he voted, titled his car, and kept all of his possessions. He owned no real property in Ohio.

Nevertheless, the Eighth District Court of Appeals ruled that Mr. Schill's domicile was in Ohio and, therefore, his adult son, who was in his 50s and who lived in Ohio, was an "insured" under his father's Cincinnati Insurance Company umbrella policy and, therefore, the son had umbrella liability insurance coverage for a fatal auto accident that he caused, while operating his own vehicle, titled in his own name, and for which he had his own State Auto liability insurance.

Shawn Maestle and John Farnan argued in the Ohio Supreme Court that such an individual was actually domiciled in Florida because he had the clear subjective intent to change his domicile to Florida and the objective facts demonstrated a residence in Florida relying on a 1878 decision by the Court, *Sturgeon v. Korte*, 34 Ohio St. 525 (1878). On October 14, 2014, the Supreme Court unanimously agreed with counsel's argument:

"We reiterate this court's previous jurisprudence on the definition of domicile; it is where a person resides, where he intends to remain, and where he intends to return when away temporarily.

"We hold that James's regular work activity in Ohio does not contradict an intent to make Florida his permanent residence, nor does it change the fact of his residence in Florida. James's clear intent was to work part-time in Ohio and be domiciled in Florida. He has meticulously ordered his life to make that so."

[Schill v. Cincinnati Ins. Co.](#), 2014-Ohio-4527 (Slip Opinion) at ¶¶ 1, 33. 

If you have questions or concerns about this case or any other matter, please feel free to contact Shawn Maestle or John Farnan.



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John G. Farnan is a Partner with Weston Hurd LLP. He practices primarily in the areas of insurance coverage, personal injury, premises liability, commercial litigation and appellate practice. Since 2006, John has been named an *Ohio Super Lawyer* in Insurance Coverage by Law & Politics Media, Inc. and since 2011, he has been named to the *Best Lawyers in America*. He can be reached at (216) 687-3288 or at JFarnan@westonhurd.com.

For more information about Shawn Maestle and John Farnan, please visit www.westonhurd.com.

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Weston Hurd Client News - February 2013

Weston Hurd Persuades Ohio Supreme Court to Accept Appeal of Adverse Eighth District Court of Appeal's Decision on the Issues of Domicile and Resident Relatives

On February 20, 2013, the new constituted Ohio Supreme Court in a narrow 4 to 3 decision agreed to accept the appeal filed by Shawn W. Maestle and John G. Farnan on behalf of Cincinnati Insurance Company in the matter of *Spaeth v. State Auto Mut. Ins. Co.*, Case No. 2012-1866, to decide the following Proposition of Law:

A Person Has Only One Domicile: Where the Person Resides and has the Intent to Remain Permanently and Return to When Away Temporarily (*Sturgeon v. Korte*, 34 Ohio St. 525 (1878), affirmed and restated).

James Schill, who is in his 80s, moved to Florida over 20 years ago, but returned to Ohio about two weeks per month to run his business. Mr. Schill always intended to return to his Florida residence, where he voted, titled his car, and kept all of his possessions. He owned no real property in Ohio.

Nevertheless, the Eighth District Court of Appeals ruled that Mr. Schill's domicile was in Ohio and, therefore, his adult son, who was in his 50s and who lived in Ohio, was an "insured" under his father's Cincinnati Insurance Company umbrella policy and, therefore, the son had umbrella liability insurance coverage for a fatal auto accident that he caused, while operating his own vehicle, titled in his own name, and for which he had his own State Auto liability insurance.

Under Ohio law, a person can have many residences, but only one domicile. The claimant argued that a person can have a separate domicile "for insurance coverage purposes."

If you have questions or concerns about this type of matter, please feel free to contact Shawn Maestle, John Farnan or your Weston Hurd lawyer.



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Weston Hurd Client News - September 2012

Maestle Persuades Court of Appeals to Reverse Half Million Dollar Judgment Against Huntington Bank as Successor in Interest to Sky Bank

On August 27, 2012, the Eleventh District Court of Appeals issued a unanimous decision reversing and setting aside a \$574,121.32 judgment against Huntington Bank as successor in interest to Sky Bank. This matter arose from alleged damages incurred during the construction of the W. Thomas James' Funeral Home. Mr. James had contracted with a company for whom his brother worked, New Horizon Building & Remodeling, Inc., to rebuild his funeral home located in Newton Falls, Ohio, following a fire which destroyed the building in 2000. The construction of the funeral home was expected to cost slightly in excess of \$1 million. To begin the construction process, Mr. James contracted with Second National Bank, Sky Bank's predecessor, and obtained a construction loan in the amount of \$690,000. The loan documents provided that before any construction loan draw could be issued to the contractor, the architect's certification for payment was needed. As the project commenced, New Horizon submitted various draw requests without the architect's certification. However, upon inspection by the bank's own appraisers, it was confirmed that the work was performed and the draw should be paid. Consequently, the bank issued payments to the contractor. Unfortunately, Mr. James became dissatisfied with New Horizon's work and terminated his contract with them. The bank had paid New Horizon approximately \$635,000 of the \$690,000 approved loan. James completed the construction of the funeral home and expended \$415,535.32 to complete the project. Thereafter, James initiated litigation against Sky Bank, who was the successor in interest to Second National Bank and the predecessor in interest to Huntington National Bank. James set forth various causes of action against the bank which alleged, in a nutshell, that the bank's disbursement of the \$635,000 in loan proceeds, without the architect's certification, was a breach of contract entitling James to damages. The trial court agreed and issued judgment for James in the amount of \$574,121.32.

Weston Hurd and Shawn Maestle were retained for the appeal. In the appeal, Maestle argued that the trial court's judgment was improper because those damages were not proved as required under Ohio law. Specifically, James had failed to prove his damages to the requisite degree of reasonable certainty; had not proven them with appropriate expert testimony and the trial court had failed to determine specifically how the architect's lack of certification proximately resulted in damages to James.

The Eleventh District Court of Appeals agreed with Maestle and Weston Hurd's position and reversed the trial court's award of damages. As had been argued, the Eleventh District held that "the purpose of damages for breach of contract is to restore the benefit of the bargain to the plaintiff by placing plaintiff in the position he or she would have been in, had it performed the contract." The court continued stating that "a party's recovery for damages is limited to 'the loss he has actually suffered by reason of the breach, and a plaintiff is not entitled to be placed in a better position than he would have been in had the breach never occurred.'" Finally, the court

stated that "a party seeking damages for breach of contract must present sufficient evidence to show entitlement to damages in an amount which can be ascertained with reasonable certainty."

As Maestle contended on appeal, plaintiff had failed to meet these various legal principles and the trial court had failed to apply them when issuing its judgment. Indeed, the funeral home, which was expected to cost slightly over \$1 million, ended up, despite plaintiff's claims of improper work by New Horizon, to cost plaintiff slightly more than \$1 million. The Eleventh District concluded that simply because plaintiff expended additional sums of monies to complete construction after he terminated his contractor, that fact did not automatically mean that those expenditures were related to the bank's alleged failure to follow its loan documents and obtain the architect's certification. Rather, Ohio law required the plaintiff to establish a direct causal link between the failure to obtain the architect's certification and the monies expended by the plaintiff. Because the trial court failed to follow the appropriate Ohio law and hold plaintiff to this burden, the Eleventh District reversed the decision and remanded the case to the Trumbull County Common Pleas Court to determine if any of the evidence plaintiff submitted at trial met the proper standard of damages as the court has set forth and recognized by Ohio law.

If you have questions or concerns about this type of matter, please feel free to contact Shawn Maestle or your Weston Hurd lawyer.

Eleventh District Court of Appeals Decision - August 27, 2012

[W. Thomas James v. Sky Bank](#)



Shawn W. Maestle is a partner with Weston Hurd LLP and is the Chair of the firm's Appellate section and a member of the firm's litigation section. He focuses his practice in the areas of appellate, commercial and real estate, as well as estate planning and probate litigation. Shawn can be reached at 216.677.3254 or SMaestle@westonhurd.com.

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Weston Hurd Client News - February 2012

Maestle and Carlin Persuade Appellate Court to Reverse \$1.5 Million Jury Verdict in a Case Alleging Intentional Interference with Inheritance Expectancy

Over the years, Freeman Swank, Sr. ("Sr."), and his wife Rheabelle, had drafted and executed several different Wills. Beginning in 1950, and repeated in 1968, 1982, 1995 and 1996, Freeman Swank, Sr. and Rheabelle created reciprocal Wills which distributed all of the property each individually owned, to the other upon either's death. The Wills further provided that if both husband and wife had died simultaneously, or upon the death of the survivor of the two of them, their estate would bequeath and devise to their three children equally. This is a typical, simple estate plan for a husband and wife with children.

However, in August, 1996, when Sr. and Rheabelle drafted new Wills which once again left each other as the primary beneficiary, the contingency clause in each Will was changed to completely disinherit two of their three children. Accordingly, the Wills provided that the parents' property would be devised solely to Freeman, Jr. should the parents die simultaneously or upon the survivor's death provided no new Will had been executed by that survivor. Upon discovery of the changes in their parents' Wills, the two newly disinherited children, Robert and Clark Swank, initiated litigation against their parents and brother as well as the latter's wife in 1997. The disinherited Swank brothers asserted various claims against their parents including claims that their other brother and his wife had intentionally interfered with their expectancy of inheritance from their parents and that Freeman, Jr. and his wife had caused their parents to alter the Wills through deception and undue influence. The brothers also claimed that they were in an oral partnership with their father relative to the parents' farm and their parents had been unjustly enriched through the disinherited sons' work on the farm.

The actions of the two disinherited brothers moved through the Richland County Common Pleas Court for over a decade including multiple appeals to the Fifth District on interlocutory orders. *See, Swank v. Estate of Freeman J. Swank*, 2005-Ohio-5524 (5th Dist.); *Swank v. Swank*, 2007-Ohio-6467 (5th Dist.); *Swank v. Swank*, 2008-Ohio-3997 (5th Dist.); and *Swank v. Swank*, 2010-Ohio-3105 (5th Dist.).

In addition, the Swank brothers instituted guardianship proceedings in the Richland County Probate Court to have their parents declared legally unfit to handle their own affairs. *See, Richland County Court of Common Plea, Probate Division, Case nos.: 98-2036 and 98-2037*. In those guardianship proceedings, the brothers, Robert and Clark Swank, claimed that their parents were incompetent and needed court intervention to protect them and their property, as well as to undo past transactions between the parents and their brother, Freeman, Jr. After investigation and a hearing, the Richland County Probate Court determined that no evidence existed that either parent was incompetent or otherwise in need of the court's intervention.

Unfortunately, that did not end the litigation which continued for several more years. After battling two of his sons for the last seven years of his life, Freeman Swank, Sr. died in 2004. Pursuant to Sr.'s last Will, as each previous Will had provided, he left his entire estate to his surviving wife, Rheabelle. Notably, there was no legal challenge to the validity of that Will or to Rheabelle's inheritance of Sr.'s entire estate. Notwithstanding the lack of any legal challenge to the validity of that Will, the Richland County Court continued to permit the brothers to advance their claims of undue influence and intentional interference with expectancy of inheritance. In 2010, a jury improperly awarded the disinherited brothers more than \$1.5 million in a judgment against their brother Freeman, Jr. and his wife. Weston Hurd partner, Angela Carlin, was retained by Mary Jane Swank, Sr.'s wife, to handle the appeal of this verdict to the Fifth District Court of Appeals and she worked with her fellow partner at Weston Hurd, Shawn Maestle, an experienced appellate attorney. On appeal, Carlin and Maestle argued that the litigation which began in 1997 was never properly before the court. Specifically, it was articulated that the Swank brothers never had constitutional standing to advance their claims because the disinherited brothers, as only contingent beneficiaries under prior Wills, lacked a legal interest in Freeman, Sr.'s estate since their mother, Rheabelle, as his survivor under the terms of those Wills, inherited his entire estate, thereby extinguishing their interest. *See, Swank v. Swank*, 2011-Ohio-6920, December 30, 2011 (5th Dist).

An intentional interference with an expectancy of inheritance claim, is a fairly new legal claim. In 1993, the Ohio Supreme Court first recognized that such claims could be advanced under Ohio law. *See, Firestone v. Galbreath* (1993), 67 Ohio St.3d 87. The required elements to advance the claim are: (1) the existence of a plaintiff's expectancy of inheritance; (2) a defendant's intentional interference with that expectancy; (3) a defendant's tortious conduct involving the interference, such as fraud, duress, or undue influence; (4) a reasonable certainty that the expectancy of inheritance would have been realized, but for a defendant's interference; and (5) damage resulting from the interference.

The fundamental and initial question any court must undertake before addressing the merits of any litigant's claim is, "Do the claimants have legal standing to advance their claims?". Indeed, Ohio's Constitution limits the jurisdiction of courts to cases and controversies. Ohio courts have interpreted this requirement to mandate that a party have "legal standing" which requires the party to establish that it has a personal stake in the outcome of the controversy and demonstrate an injury in fact which establishes that the party has suffered or will suffer a specific injury which is neither speculative nor hypothetical. The burden to prove that a party has legal standing is borne by the party seeking redress.

In this matter, the two Swank brothers were required to prove that they had met the constitutional prerequisites to enter the courthouse doors by establishing that they had a real and actual justiciable controversy to bring forth the litigation and utilize the judiciary. Maestle and Carlin argued that the initial inquiry should have occurred in 1997 when the court should have determined whether the two Swank brothers had the legal right to advance their claim for an intentional interference with the expectancy of inheritance.

Additionally, to advance an intentional interference claim, the two Swank brothers were required to show that "but for" the alleged interference by Freeman, Jr. and his wife, Mary Jane, they would have realized their expectancy and inheritance. However, as presented, neither Robert nor Clark Swank could ever satisfy these elements because their father's entire estate was always to be devised to their mother, Rheabelle, upon their father's death if she survived him.

Because Rheabelle survived Freeman, Sr.'s death, the Swank brothers alleged expectancy was never legitimized under any Will and they simply could never set forth any facts which gave them legal standing to advance their interference claim. Consequently, they lacked legal standing since they never had an actual real controversy recognizable or justiciable under Ohio law.

The Fifth District Court of Appeals agreed with this analysis, and in its opinion which closely resembles counsels' briefs, held that Rheabelle was always the primary beneficiary, and the disinherited Swank brothers would only inherit if their mother had predeceased their father, which did not occur. Thus, because their right to inherit was only contingent and never vested, it was impossible for the disinherited Swank brothers to have any claims under their father's Will when he died. Accordingly, they lacked legal standing to advance the intentional interference claim. The Fifth District Court of Appeals rendered judgment and reversed the more than \$1.5 million verdict.

If you have questions or concerns about the status of your estate planning or this type of litigation, please feel free to contact Angela Carlin, Shawn Maestle or your Weston Hurd lawyer.



Angela G. Carlin is a Partner with Weston Hurd LLP and is the Chair of the firm's Estate, Trust and Probate Practice Group. Angela focuses her practice on estate, trust and probate administration, probate and trust litigation, and tax matters. She can be reached at 216.687.3303 or ACarlin@westonhurd.com.



Shawn W. Maestle is a Partner with Weston Hurd LLP and is the Chair of the firm's Appellate section and a member of the firm's Litigation section. He focuses his practice in the areas of appellate, commercial and real estate, as well as estate planning and probate litigation. Shawn can be reached at 216.687.3254 or SMaestle@westonhurd.com.

For more information about Ms. Carlin and Mr. Maestle, please visit www.westonhurd.com.

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SHAWN W. MAESTLE – PUBLISHED CASES

1. Ramsey v. Penn Mut. Life Ins. Co., No. 14-3869, UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT, 2015 U.S. App. LEXIS 12414, July 7, 2015, Filed

2. Ramsey v. Penn Mut. Life Ins. Co., 15a0106p.06No. 14-3869, UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT, 787 F.3d 813; 2015 U.S. App. LEXIS 9019; 2015 FED App. 0106P (6th Cir.); 91 Fed. R. Serv. 3d (Callaghan) 1453, April 29, 2015, Argued, June 1, 2015, Decided, June 1, 2015, Filed, Rehearing, en banc, denied by Ramsey v. Penn Mut. Life Ins. Co., 2015 U.S. App. LEXIS 12414 (6th Cir. Ohio, July 7, 2015)

3. Becker v. Elmwood Local Sch. Dist., 13a0448n.06No. 12-3094, UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT, 519 Fed. Appx. 339; 2013 U.S. App. LEXIS 9261; 2013 FED App. 0448N (6th Cir.), May 3, 2013, Filed, NOT RECOMMENDED FOR FULL-TEXT PUBLICATION. SIXTH CIRCUIT RULE 28 LIMITS CITATION TO SPECIFIC SITUATIONS. PLEASE SEE RULE 28 BEFORE CITING IN A PROCEEDING IN A COURT IN THE SIXTH CIRCUIT. IF CITED, A COPY MUST BE SERVED ON OTHER PARTIES AND THE COURT. THIS NOTICE IS TO BE PROMINENTLY DISPLAYED IF THIS DECISION IS REPRODUCED.

4. Benahmed v. Houston Cas. Co., 12a0510n.06Nos. 11-3027/3041, UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT, 486 Fed. Appx. 508; 2012 U.S. App. LEXIS 10116; 2012 FED App. 0510N (6th Cir.), May 16, 2012, Filed, NOT RECOMMENDED FOR FULL-TEXT PUBLICATION. SIXTH CIRCUIT RULE 28 LIMITS CITATION TO SPECIFIC SITUATIONS. PLEASE SEE RULE 28 BEFORE CITING IN A PROCEEDING IN A COURT IN THE SIXTH CIRCUIT. IF CITED, A COPY MUST BE SERVED ON OTHER PARTIES AND THE COURT. THIS NOTICE IS TO BE PROMINENTLY DISPLAYED IF THIS DECISION IS REPRODUCED.

5. Hanson v. City of Fairview Park, 09a0691n.06No. 08-4238, UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT, 349 Fed. Appx. 70; 2009 U.S. App. LEXIS 22866; 2009 FED App. 0691N (6th Cir.), October 20, 2009, Filed, NOT RECOMMENDED FOR FULL-TEXT PUBLICATION. SIXTH CIRCUIT RULE 28 LIMITS CITATION TO SPECIFIC SITUATIONS. PLEASE SEE RULE 28 BEFORE CITING IN A PROCEEDING IN A COURT IN THE SIXTH CIRCUIT. IF CITED, A COPY MUST BE SERVED ON OTHER PARTIES AND THE COURT. THIS NOTICE IS TO BE PROMINENTLY DISPLAYED IF THIS DECISION IS REPRODUCED.

6. Miller v. Toyota Motor Corp., 09a0046p.06No. 08-4348, UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT, 554 F.3d 653; 2009 U.S. App. LEXIS 2649; 2009 FED App. 0046P (6th Cir.), February 10, 2009, Filed, Summary judgment denied by Estate of Miller v. Thrifty Rent-A-Car Sys., 2009 U.S. Dist. LEXIS 28848 (M.D. Fla., Apr. 5, 2009)

7. Rogers v. Lilly, 08a0520n.06Nos. 07-3039/07-3040, UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT, 292 Fed. Appx. 423; 2008 U.S. App. LEXIS 18172; 2008 FED App. 0520N (6th Cir.), August 22, 2008, Filed, NOT RECOMMENDED FOR FULL-TEXT PUBLICATION. SIXTH CIRCUIT RULE 28(g) LIMITS CITATION TO SPECIFIC SITUATIONS. PLEASE SEE RULE 28(g) BEFORE CITING IN A PROCEEDING IN A COURT IN THE SIXTH CIRCUIT. IF CITED, A COPY MUST BE SERVED ON OTHER PARTIES AND THE COURT. THIS NOTICE IS TO BE PROMINENTLY DISPLAYED IF THIS DECISION IS REPRODUCED.

8. Miller v. Toyota Motor Corp. Worldwide (Estate of Thomson), 08a0449n.06No. 07-3813, UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT, 2008 U.S. App. LEXIS 16386; 2008 FED App. 0449N (6th Cir.), July 30, 2008, Filed, NOT RECOMMENDED FOR FULL-TEXT PUBLICATION. SIXTH CIRCUIT RULE 28(g) LIMITS CITATION TO SPECIFIC SITUATIONS. PLEASE SEE RULE 28(g) BEFORE CITING IN A PROCEEDING IN A COURT IN THE SIXTH CIRCUIT. IF CITED, A COPY MUST BE SERVED ON OTHER PARTIES AND THE

COURT. THIS NOTICE IS TO BE PROMINENTLY DISPLAYED IF THIS DECISION IS REPRODUCED., Ordered published by Estate of Thomson v. Toyota Motor Corp. Worldwide, 545 F.3d 357, 2008 U.S. App. LEXIS 21175 (6th Cir.) (6th Cir. Ohio, 2008)Related proceeding at Miller v. Toyota Motor Corp., 2008 U.S. Dist. LEXIS 111817 (N.D. Ohio, Sept. 12, 2008)

9. Cucu v. Super, CASE NO. 1:12 CV 3093, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO, EASTERN DIVISION, 2013 U.S. Dist. LEXIS 101964, July 19, 2013, Decided, July 22, 2013, Filed

10. Erie Indem. Co. v. Keurig, Inc., CASE NO. 1:10-CV-02899, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO, 2011 U.S. Dist. LEXIS 125796, October 31, 2011, Decided, October 31, 2011, Filed

11. Erie Indem. Co. v. Keurig, Inc., CASE NO. 1:10-cv-2899, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO, 2011 U.S. Dist. LEXIS 105925, September 19, 2011, Decided, September 19, 2011, Filed, Summary judgment denied by, Motion to strike denied by, As moot, Motion granted by, in part, Motion denied by, in part Erie Indem. Co. v. Keurig, Inc., 2011 U.S. Dist. LEXIS 125796 (N.D. Ohio, Oct. 31, 2011)

12. Sherwood v. Royal Ins. Co. of Am., Case No. 3:02 CV 7136 , UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO, WESTERN DIVISION, 290 F. Supp. 2d 856; 2003 U.S. Dist. LEXIS 20050, November 10, 2003, Decided

13. State ex rel. Huntington Nat'l Bank v. Kontos, No. 2014-0656, SUPREME COURT OF OHIO, 2015-Ohio-5190; 2015 Ohio LEXIS 3326, July 7, 2015, Submitted, December 15, 2015, Decided, THIS SLIP OPINION IS SUBJECT TO FORMAL REVISION BEFORE IT IS PUBLISHED IN AN ADVANCE SHEET OF THE OHIO OFFICIAL REPORTS.

14. Pixley v. Pro-Pak Indus., No. 2013-0797, SUPREME COURT OF OHIO, 142 Ohio St. 3d 203; 2014-Ohio-5460; 28 N.E.3d 1249; 2014 Ohio LEXIS 3116, May 14, 2014, Submitted, December 18, 2014, Decided, Reconsideration denied by Pixley v. Pro-Pak Indus., 141 Ohio St. 3d 1476, 2015-Ohio-554, 2015 Ohio LEXIS 427, 25 N.E.3d 1082 (Ohio, Feb. 18, 2015)

15. State ex rel. Yeaples v. Gall, No. 2013-0941, SUPREME COURT OF OHIO, 141 Ohio St. 3d 234; 2014-Ohio-4724; 23 N.E.3d 1077; 2014 Ohio LEXIS 2793, June 25, 2014, Submitted, October 28, 2014, Decided, THIS SLIP OPINION IS SUBJECT TO FORMAL REVISION BEFORE IT IS PUBLISHED IN AN ADVANCE SHEET OF THE OHIO OFFICIAL REPORTS.

16. Schill v. Cincinnati Ins. Co., No. 2012-1866, SUPREME COURT OF OHIO, 141 Ohio St. 3d 382; 2014-Ohio-4527; 24 N.E.3d 1138; 2014 Ohio LEXIS 2667, November 6, 2013, Submitted, October 14, 2014, Decided

17. Beyer v. Rieter Auto. N. Am., Inc., No. 2012-1283, SUPREME COURT OF OHIO, 134 Ohio St. 3d 379; 2012-Ohio-5627; 982 N.E.2d 708; 2012 Ohio LEXIS 3070, December 4, 2012, Submitted, December 5, 2012, Decided

18. State ex rel. Anderson v. City of Vermilion, No. 2012-0943, SUPREME COURT OF OHIO, 134 Ohio St. 3d 120; 2012-Ohio-5320; 980 N.E.2d 975; 2012 Ohio LEXIS 2876, November 14, 2012, Submitted, November 21, 2012, Decided, Reconsideration denied by State ex rel. Anderson v. Vermilion, 2012 Ohio 5966, 2012 Ohio LEXIS 3202 (Ohio, Dec. 19, 2012)

19. Dawson Ins., Inc. v. Freund, No. 2011-0691, SUPREME COURT OF OHIO, 133 Ohio St. 3d 332; 2012-Ohio-4697; 978 N.E.2d 183; 2012 Ohio LEXIS 2483, October 9, 2012, Submitted, October 16, 2012, Decided, Reconsideration denied by Dawson Ins. v. Freund, 2012 Ohio 5693, 2012 Ohio LEXIS 3129 (Ohio, Dec. 6, 2012)

20. In re All Cases Against Sager Corp., No. 2010-1705, SUPREME COURT OF OHIO, 132 Ohio St. 3d 5; 2012-Ohio-1444; 967 N.E.2d 1203; 2012 Ohio LEXIS 845, September 21, 2011, Submitted, April 3, 2012, Decided

21. State ex rel. O'Shea & Assocs. Co., L.P.A. v. Cuyahoga Metro. Hous. Auth., No. 2010-1536, SUPREME COURT OF OHIO, 131 Ohio St. 3d 149; 2012-Ohio-115; 962 N.E.2d 297; 2012 Ohio LEXIS 216; 40 Media L. Rep. 1576, October 5, 2011, Submitted, January 19, 2012, Decided, Reconsideration denied by, Motion to strike denied by State ex rel. O'Shea & Assoc. Co., L.P.A. v. Cuyahoga Metro. Hous. Auth., 131 Ohio St. 3d 1487, 2012 Ohio 1143, 963 N.E.2d 826, 2012 Ohio LEXIS 815 (2012)

22. Kincaid v. Erie Ins. Co., No. 2009-1936, SUPREME COURT OF OHIO, 128 Ohio St. 3d 322; 2010-Ohio-6036; 944 N.E.2d 207; 2010 Ohio LEXIS 3063, September 28, 2010, Submitted, December 16, 2010, Decided, Reported at Kincaid v. Erie Ins. Co., 2010 Ohio 6140, 2010 Ohio LEXIS 3165 (Ohio, Dec. 16, 2010)Reargument granted by, in part, Modified by Kincaid v. Erie Ins.co, 127 Ohio St. 3d 1550, 2011 Ohio 647, 941 N.E.2d 805, 2011 Ohio LEXIS 424 (Ohio, Feb. 16, 2011)

23. Gaspar v. Guenther, No. 2008-1869, SUPREME COURT OF OHIO, 122 Ohio St. 3d 34; 2009-Ohio-2363; 907 N.E.2d 724; 2009 Ohio LEXIS 1243, May 19, 2009, Submitted, May 27, 2009, Decided, Reconsideration denied by Gaspar v. Guenther, 122 Ohio St. 3d 1483, 2009 Ohio 3625, 910 N.E.2d 480, 2009 Ohio LEXIS 2001 (Ohio, July 29, 2009)

24. Stevens v. Radey, No. 2006-2343, SUPREME COURT OF OHIO, 117 Ohio St. 3d 65; 2008-Ohio-291; 881 N.E.2d 855; 2008 Ohio LEXIS 242, November 7, 2007, Submitted, February 6, 2008, Decided

25. Floss v. Culver, Nos. 2006-0505 and 2006-0767 , SUPREME COURT OF OHIO, 113 Ohio St. 3d 198; 2007-Ohio-1387; 863 N.E.2d 615; 2007 Ohio LEXIS 818, March 14, 2007, Submitted , April 11, 2007, Decided

26. Mid-American Fire & Cas. Co. v. Heasley, Nos. 2005-2399 and 2006-0249 , SUPREME COURT OF OHIO, 113 Ohio St. 3d 133; 2007-Ohio-1248; 863 N.E.2d 142; 2007 Ohio LEXIS 797, December 12, 2006, Submitted , April 4, 2007, Decided

27. Hopkins v. Dyer, No. 2003-2167 , SUPREME COURT OF OHIO, 104 Ohio St. 3d 461; 2004-Ohio-6769; 820 N.E.2d 329; 2004 Ohio LEXIS 2928, September 14, 2004, Submitted , December 17, 2004, Decided

28. Costin v. Consol. Ceramic Prods., No. 2003-0569 , SUPREME COURT OF OHIO, 102 Ohio St. 3d 1211; 2004-Ohio-1757; 806 N.E.2d 164; 2004 Ohio LEXIS 835, March 16, 2004, Submitted , April 21, 2004, Decided , Reconsideration denied by Costin v. Consol. Ceramic Prods., 2004 Ohio LEXIS 1422 (Ohio, June 9, 2004)

29. Dreibelbis v. Kemper Ins. Co., No. 2003-1998 , SUPREME COURT OF OHIO, 101 Ohio St. 3d 326; 2004-Ohio-1446; 805 N.E.2d 533; 2004 Ohio LEXIS 673, February 3, 2004, Submitted , April 7, 2004, Decided

30. Francis v. Hartford Fire Ins. Co., No. 2003-1697 , SUPREME COURT OF OHIO, 101 Ohio St. 3d 62; 2004-Ohio-8; 800 N.E.2d 1161; 2004 Ohio LEXIS 37, November 18, 2003, Submitted , January 14, 2004, Decided

31. Millonzi v. Perram Elec., Inc., Nos. 2003-0321 and 2003-0324 , SUPREME COURT OF OHIO, 100 Ohio St. 3d 67; 2003-Ohio-5030; 796 N.E.2d 521; 2003 Ohio LEXIS 2567, September 17, 2003, Submitted , October 8, 2003, Decided , Reconsideration denied by Millonzi v. Perram Elec., Inc., 100 Ohio St. 3d 1548, 2003 Ohio 6879, 800 N.E.2d 753, 2003 Ohio LEXIS 3540 (Ohio, Dec. 24, 2003)

32. Nitchman v. Nationwide Mut. Fire Ins. Co., No. 01-446, SUPREME COURT OF OHIO, 94 Ohio St. 3d 1248; 2002-Ohio-1243; 763 N.E.2d 1181; 2002 Ohio LEXIS 630, February 6, 2002, Submitted , March 20, 2002, Decided

33. Carroll v. Nationwide Mut. Ins. Co., No. 01-83, SUPREME COURT OF OHIO, 92 Ohio St. 3d 215; 2001-Ohio-176; 749 N.E.2d 293; 2001 Ohio LEXIS 1850, May 16, 2001, Submitted , July 5, 2001, Decided

34. City of Painesville Bldg. Dep't v. Dworken & Bernstein Co., L.P.A., No. 99-1769, SUPREME COURT OF OHIO, 89 Ohio St. 3d 564; 2000-Ohio-488; 733 N.E.2d 1152; 2000 Ohio LEXIS 2069, June 7, 2000, Submitted , September 6, 2000, Decided , As Corrected November 20, 2000.

35. Kulch v. Structural Fibers, Inc., No. 95-650 , SUPREME COURT OF OHIO, 78 Ohio St. 3d 134; 1997-Ohio-219; 677 N.E.2d 308; 1997 Ohio LEXIS 836; 12 I.E.R. Cas. (BNA) 1484; 1997 OSHD (CCH) P31,325, October 8, 1996, Submitted , April 16, 1997, Decided

36. Woods v. Bureau of Workers' Comp., Appellate Case No. 26561, COURT OF APPEALS OF OHIO, SECOND APPELLATE DISTRICT, MONTGOMERY COUNTY, 2016-Ohio-237; 2016 Ohio App. LEXIS 206, January 22, 2016, Rendered

37. Gerwin v. Damschroder, Court of Appeals No. L-14-1199, COURT OF APPEALS OF OHIO, SIXTH APPELLATE DISTRICT, LUCAS COUNTY, 2015-Ohio-3694; 2015 Ohio App. LEXIS 3594, September 11, 2015, Decided

38. Drew-Mansfield v. MetroHealth Med. Ctr., No. 102254, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2015-Ohio-3033; 2015 Ohio App. LEXIS 2940, July 30, 2015, Released, July 30, 2015, Journalized

39. State ex rel. Vernon v. Adrine, No. 103149, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2015-Ohio-2867; 2015 Ohio App. LEXIS 2847, July 10, 2015, Released

40. Corsaro & Assocs. Co., L.P.A. v. Weston Hurd, L.L.P., No. 101534, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2015-Ohio-423; 2015 Ohio App. LEXIS 391, February 5, 2015, Released, February 5, 2015, Journalized, Discretionary appeal not allowed by Corsaro & Assoc. Co., L.P.A. v. Weston Hurd, L.L.P., 2015 Ohio 4468, 2015 Ohio LEXIS 2853 (Ohio, Oct. 28, 2015)

41. G & K Mgmt. Servs. v. Owners Ins. Co., Case No. 14-CA-33, COURT OF APPEALS OF OHIO, FIFTH APPELLATE DISTRICT, FAIRFIELD COUNTY, 2014-Ohio-5497; 24 N.E.3d 1230; 2014 Ohio App. LEXIS 5325,

December 11, 2014, Date of Judgment Entry, Discretionary appeal not allowed by G&K Mgt. Serv. v. Owners Ins. Co., 2015-Ohio-2747, 2015 Ohio LEXIS 1764 (Ohio, July 8, 2015)

42. Charlesgate Commons Condo. Ass'n v. Western Reserve Group, Court of Appeals No. L-14-1039, COURT OF APPEALS OF OHIO, SIXTH APPELLATE DISTRICT, LUCAS COUNTY, 2014-Ohio-4342; 2014 Ohio App. LEXIS 4254, September 26, 2014, Decided, Discretionary appeal not allowed by Charlesgate Commons Condo. Ass'n v. W. Res. Group, 2015-Ohio-1591, 2015 Ohio LEXIS 1132 (Ohio, Apr. 29, 2015)

43. M6 Motors, Inc. v. Nissan of North Olmsted, LLC, No. 100684, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2014-Ohio-2537; 14 N.E.3d 1054; 2014 Ohio App. LEXIS 2470, June 12, 2014, Released and Journalized, Discretionary appeal not allowed by M6 Motors, Inc. v. Nissan of N. Olmsted, L.L.C., 141 Ohio St. 3d 1474, 2015-Ohio-554, 2015 Ohio LEXIS 349, 25 N.E.3d 1081 (2015) Related proceeding at, Decision reached on appeal by, Dismissed by Nissan of N. Olmsted, LLC v. Nissan N. Am., Inc., 2015-Ohio-2663, 2015 Ohio App. LEXIS 2678 (Ohio Ct. App., Franklin County, June 30, 2015)

44. State ex rel. Huntington Nat'l Bank v. Kontos, CASE NO. 2013-T-0089, COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT, TRUMBULL COUNTY, 2014-Ohio-1374; 2014 Ohio App. LEXIS 1273, March 31, 2014, Decided, Later proceeding at Huntington Nat'l Bank v. Kontos, 138 Ohio St. 3d 1489, 2014-Ohio-1922, 2014 Ohio LEXIS 1032, 7 N.E.3d 1240 (2014) Later proceeding at State ex rel. Huntington Nat'l Bank v. Kontos, 140 Ohio St. 3d 1463, 2014-Ohio-4592, 2014 Ohio LEXIS 2687, 18 N.E.3d 443 (2014) Affirmed by State ex rel. Huntington Nat'l Bank v. Kontos, 2015-Ohio-5190, 2015 Ohio LEXIS 3326 (Ohio, Dec. 15, 2015)

45. James v. Sky Bank, CASE NO. 2013-T-0087, COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT, TRUMBULL COUNTY, 2014-Ohio-1159; 2014 Ohio App. LEXIS 1079, March 24, 2014, Decided, Later proceeding at James v. Sky Bank, 140 Ohio St. 3d 1429, 2014-Ohio-4000, 2014 Ohio LEXIS 2285, 16 N.E.3d 674 (2014) Discretionary appeal not allowed by James v. Sky Bank, 2014-Ohio-4845, 2014 Ohio LEXIS 2882 (Ohio, Nov. 5, 2014)

46. Wright v. Mar-Bal Inc., CASE NO. 2012-G-3112, COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT, GEAUGA COUNTY, 2013-Ohio-5647; 2013 Ohio App. LEXIS 5913, December 23, 2013, Decided

47. Terry v. Kellstone, Inc., Court of Appeals No. E-12-061, COURT OF APPEALS OF OHIO, SIXTH APPELLATE DISTRICT, ERIE COUNTY, 2013-Ohio-4419; 2013 Ohio App. LEXIS 4677, October 4, 2013, Decided, Discretionary appeal not allowed by Terry v. Kellstone, Inc., 138 Ohio St. 3d 1433, 2014-Ohio-889, 2014 Ohio LEXIS 526, 4 N.E.3d 1051 (2014)

48. State ex rel. City of E. Cleveland v. Norton, No. 98772, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2013-Ohio-3723; 2013 Ohio App. LEXIS 3867, August 27, 2013, Released

49. Western Reserve Mut. Cas. Co. v. OK Café & Catering, Inc., CASE NO. 9-12-46, COURT OF APPEALS OF OHIO, THIRD APPELLATE DISTRICT, MARION COUNTY, 2013-Ohio-3397; 2013 Ohio App. LEXIS 3489, August 5, 2013, Date of Decision, Discretionary appeal not allowed by W. Res. Mut. Cas. Co. v. OK Cafe & Catering, Inc., 2014-Ohio-566, 2014 Ohio LEXIS 362 (Ohio, Feb. 19, 2014)

50. State ex rel. Yeaples v. Gall, No. 99454, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2013-Ohio-2207; 2013 Ohio App. LEXIS 2119, May 24, 2013, Released, Request granted

State ex rel. Yeaples v. Gall, 138 Ohio St. 3d 1465, 2014-Ohio-1674, 2014 Ohio LEXIS 852, 6 N.E.3d 1203 (2014)Reversed by, Writ denied by State ex rel. Yeaples v. Gall, 141 Ohio St. 3d 234, 2014-Ohio-4724, 2014 Ohio LEXIS 2793, 23 N.E.3d 1077 (2014)

51. State ex rel. Hopkins v. Chartrand, CASE NO. 2011-G-3016, COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT, GEAUGA COUNTY, 2012-Ohio-5438; 2012 Ohio App. LEXIS 4730, November 26, 2012, Decided, Related proceeding at, Summary judgment granted by, Dismissed without prejudice by, in part Hopkins v. Chartrand, 2013 U.S. Dist. LEXIS 100398 (N.D. Ohio, July 17, 2013)

52. Sheridan v. Sheridan, No. 97325, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2012-Ohio-4271; 2012 Ohio App. LEXIS 3776, September 20, 2012, Released and Journalized

53. James v. Sky Bank, CASE NO. 2010-T-0116, COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT, TRUMBULL COUNTY, 2012-Ohio-3883; 2012 Ohio App. LEXIS 3430, August 27, 2012, Decided, Appeal after remand at, Motion granted by, Appeal dismissed by James v. Sky Bank, 2014-Ohio-1159, 2014 Ohio App. LEXIS 1079 (Ohio Ct. App., Trumbull County, Mar. 24, 2014)Writ dismissed by State ex rel. Huntington Nat'l Bank v. Kontos, 2014-Ohio-1374, 2014 Ohio App. LEXIS 1273 (Ohio Ct. App., Trumbull County, Mar. 31, 2014)Later proceeding at James v. Sky Bank, 2014-Ohio-2918, 2014 Ohio LEXIS 1628 (Ohio, July 1, 2014)

54. Spaeth v. State Auto. Mut. Ins. Co., No. 97715, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2012-Ohio-3813; 2012 Ohio App. LEXIS 3367, August 23, 2012, Released and Journalized, Discretionary appeal allowed by Spaeth v. State Auto. Mut. Ins. Co., 134 Ohio St. 3d 1466, 2013 Ohio 553, 983 N.E.2d 367, 2013 Ohio LEXIS 476 (2013)Motion granted by Spaeth v. State Auto. Mut. Ins. Co., 136 Ohio St. 3d 1455, 2013-Ohio-3231, 991 N.E.2d 259, 2013 Ohio LEXIS 1845 (2013)Reversed by, Sub nomine at Schill v. Cincinnati Ins. Co., 2014-Ohio-4527, 2014 Ohio LEXIS 2667 (Ohio, Oct. 14, 2014)

55. Ohio Cas. Ins. Co. v. Valaitis, CASE NO. 2011-L-062, COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT, LAKE COUNTY, 2012-Ohio-2561; 2012 Ohio App. LEXIS 2270, June 11, 2012, Decided

56. Puritas Metal Prods. v. Cook, C.A. No. 10CA009866, COURT OF APPEALS OF OHIO, NINTH APPELLATE DISTRICT, LORAIN COUNTY, 2012-Ohio-2116; 972 N.E.2d 615; 2012 Ohio App. LEXIS 1859, May 14, 2012, Decided, Discretionary appeal not allowed by Puritas Metal Prods. v. Cook, 2012 Ohio 4650, 2012 Ohio LEXIS 2659 (Ohio, Oct. 10, 2012)

57. State ex rel. Anderson v. City of Vermilion, Court of Appeals No. E-10-040, COURT OF APPEALS OF OHIO, SIXTH APPELLATE DISTRICT, ERIE COUNTY, 2012-Ohio-1868; 2012 Ohio App. LEXIS 1636, April 25, 2012, Decided, Affirmed in part and reversed in part by, Remanded by State ex rel. Anderson v. City of Vermilion, 2012 Ohio 5320, 2012 Ohio LEXIS 2876 (Ohio, Nov. 21, 2012)

58. Garvey v. City of Vermilion, C.A. No. 10CA009873, COURT OF APPEALS OF OHIO, NINTH APPELLATE DISTRICT, LORAIN COUNTY, 2012-Ohio-1258; 2012 Ohio App. LEXIS 1098, March 26, 2012, Decided, Discretionary appeal not allowed by Garvey v. Vermilion, 2012 Ohio 4021, 2012 Ohio LEXIS 2124 (Ohio, Sept. 5, 2012)

59. Falivene v. Bob Schmitt Homes, Inc., No. 96494, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2012-Ohio-259; 2012 Ohio App. LEXIS 221, January 26, 2012, Released and Journalized

60. Swank v. Swank, Case No. 2011 CA 8, COURT OF APPEALS OF OHIO, FIFTH APPELLATE DISTRICT, RICHLAND COUNTY, 2011-Ohio-6920; 2011 Ohio App. LEXIS 5691, December 30, 2011, Date of Judgment Entry, Discretionary appeal not allowed by Swank v. Swank, 2012 Ohio 2454, 2012 Ohio LEXIS 1451 (Ohio, June 6, 2012)

61. Solomon v. Harwood, No. 96256, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2011-Ohio-5268; 2011 Ohio App. LEXIS 4339, October 13, 2011, Released and Journalized

62. Dawson Ins., Inc. v. Freund, No. 94660, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2011-Ohio-1552; 2011 Ohio App. LEXIS 1331, March 31, 2011, Released, March 31, 2011, Journalized, Discretionary appeal not allowed by Dawson Ins., Inc. v. Freund, 129 Ohio St. 3d 1450, 2011 Ohio 4217, 951 N.E.2d 1047, 2011 Ohio LEXIS 2036 (2011) Cause dismissed by Dawson Ins., Inc. v. Freund, 2012 Ohio 4697, 2012 Ohio LEXIS 2483 (Ohio, Oct. 16, 2012)

63. CitiMortgage, Inc. v. Arnold, C.A. No. 25186, COURT OF APPEALS OF OHIO, NINTH JUDICIAL DISTRICT, SUMMIT COUNTY, 2011-Ohio-1350; 2011 Ohio App. LEXIS 1173, March 23, 2011, Decided

64. Kellstone, Inc. v. Laken Shipping Corp., No. 95429, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2011-Ohio-484; 2011 Ohio App. LEXIS 410, February 3, 2011, Released and Journalized, Discretionary appeal not allowed by Kellstone, Inc. v. Laken Shipping Corp., 2011 Ohio 3244, 2011 Ohio LEXIS 1726 (Ohio, July 6, 2011)

65. Ramadan v. Metrohealth Med. Ctr., No. 93981, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2011-Ohio-67; 2011 Ohio App. LEXIS 48, January 13, 2011, Released, January 13, 2011, Journalized

66. Bencivenni v. Dietz, CASE NO. 2010-L-098, COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT, LAKE COUNTY, 2010-Ohio-6057; 2010 Ohio App. LEXIS 5091, December 10, 2010, Decided, Subsequent appeal at, Decision reached on appeal by Bencivenni v. Dietz, 2013-Ohio-4549, 2013 Ohio App. LEXIS 4789 (Ohio Ct. App., Lake County, Oct. 15, 2013)

67. Redilla v. City of Avon Lake, C.A. Nos. 09CA009731, 09CA009735, COURT OF APPEALS OF OHIO, NINTH APPELLATE DISTRICT, SUMMIT COUNTY, 2010-Ohio-4653; 2010 Ohio App. LEXIS 3924, September 30, 2010, Filed, Appeal after remand at, Remanded by Redilla v. City of Avon Lake, 2013 Ohio 849, 2013 Ohio App. LEXIS 748 (Ohio Ct. App., Lorain County, Mar. 11, 2013)

68. Estate of Finley v. Cleveland Metroparks, Nos. 94021 and 94069, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 189 Ohio App. 3d 139; 2010-Ohio-4013; 937 N.E.2d 645; 2010 Ohio App. LEXIS 3388, August 26, 2010, Released, August 26, 2010, Journalized

69. State ex rel. O'Shea & Assocs. Co., L.P.A. v. Cuyahoga Metro. Hous. Auth., No. 93275, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 190 Ohio App. 3d 218; 2010-Ohio-3416; 941 N.E.2d 807; 2010 Ohio App. LEXIS 2900, July 20, 2010, Released, THESE ARE NOT OFFICIAL HEADNOTES OR SYLLABI AND ARE NEITHER APPROVED IN ADVANCE NOR ENDORSED BY THE COURT. PLEASE REVIEW THE CASE IN FULL., Later proceeding at State ex rel. O'Shea & Assoc. Co., L.P.A. v. Cuyahoga Metro.

Hous. Auth., 126 Ohio St. 3d 1564, 2010 Ohio 4325, 933 N.E.2d 813, 2010 Ohio LEXIS 2241 (2010) Later proceeding at State ex rel. O'Shea & Assocs. Co., L.P.A. v. Cuyahoga Metro. Hous. Auth., 127 Ohio St. 3d 1450, 2010 Ohio 5836, 937 N.E.2d 1039, 2010 Ohio LEXIS 3029 (2010) Later proceeding at State ex rel. O'Shea & Assoc. Co., L.P.A. v. Cuyahoga Metro. Hous. Auth., 128 Ohio St. 3d 1423, 2011 Ohio 1049, 943 N.E.2d 571, 2011 Ohio LEXIS 629 (2011) Motion granted by State ex rel. O'Shea & Assoc. Co., L.P.A. v. Cuyahoga Metro. Hous. Auth., 128 Ohio St. 3d 1457, 2011 Ohio 1829, 945 N.E.2d 521, 2011 Ohio LEXIS 976 (2011) Request granted State ex rel. O'Shea & Assoc. Co., L.P.A. v. Cuyahoga Metro. Hous. Auth., 128 Ohio St. 3d 1498, 2011 Ohio 2420, 947 N.E.2d 681, 2011 Ohio LEXIS 1271 (2011) Later proceeding at State ex rel. O'Shea & Assoc. Co., L.P.A. v. Cuyahoga Metro. Hous. Auth., 128 Ohio St. 3d 1524, 2011 Ohio 2940, 949 N.E.2d 14, 2011 Ohio LEXIS 1545 (2011) Motion granted by State ex rel. O'Shea & Assocs. Co., L.P.A. v. Cuyahoga Metro. Hous. Auth., 129 Ohio St. 3d 1438, 2011 Ohio 4083, 951 N.E.2d 792, 2011 Ohio LEXIS 1914 (2011) Affirmed in part and reversed in part by, Remanded by, Writ of mandamus denied, in part State ex rel. O'Shea & Assocs. Co., L.P.A. v. Cuyahoga Metro. Hous. Auth., 131 Ohio St. 3d 149, 2012 Ohio 115, 962 N.E.2d 297, 2012 Ohio LEXIS 216 (2012) Motion denied by State ex rel. O'Shea & Assoc. Co., L.P.A. v. Cuyahoga Metro. Hous. Auth., 2012 Ohio 2025, 2012 Ohio LEXIS 1086 (Ohio, May 9, 2012)

70. Zindroski v. Parma City Sch. Dist. Bd. of Educ., No. 93583, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2010-Ohio-3188; 2010 Ohio App. LEXIS 2659, July 8, 2010, Released, Discretionary appeal not allowed by Zindroski v. Parma City Sch. Dist. Bd. of Educ., 2011 Ohio 19, 2011 Ohio LEXIS 104 (Ohio, Jan. 19, 2011)

71. Belardo v. Belardo, No. 93106, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 187 Ohio App. 3d 9; 2010-Ohio-1758; 930 N.E.2d 862; 2010 Ohio App. LEXIS 1455, April 22, 2010, Rendered

72. Bossin v. Groves, No. 92975, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2010-Ohio-664; 2010 Ohio App. LEXIS 549, February 25, 2010, Released

73. Wade v. Stewart, No. 93405, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2010-Ohio-164; 2010 Ohio App. LEXIS 124, January 21, 2010, Released

74. Kallaus v. Allen, Case No. 09-CA-0002, COURT OF APPEALS OF OHIO, FIFTH APPELLATE DISTRICT, LICKING COUNTY, 2009-Ohio-6339; 2009 Ohio App. LEXIS 5329, November 30, 2009, Date of Judgment Entry

75. Bozeman v. Cleveland Metro. Hous. Auth., Nos. 92435 and 92436, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2009-Ohio-5491; 2009 Ohio App. LEXIS 4628, October 15, 2009, Released, Discretionary appeal not allowed by Bozeman v. Cleveland Metro. Hous. Auth., 2010 Ohio 670, 2010 Ohio LEXIS 514 (Ohio, Mar. 3, 2010)

76. Kincaid v. Erie Ins. Co., No. 92101, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 183 Ohio App. 3d 748; 2009-Ohio-4372; 918 N.E.2d 1036; 2009 Ohio App. LEXIS 3680, August 27, 2009, Released, Discretionary appeal allowed by Kincaid v. Erie Ins. Co., 124 Ohio St. 3d 1442, 2010 Ohio 188, 920 N.E.2d 373, 2010 Ohio LEXIS 195 (2010) Reversed by Kincaid v. Erie Ins. Co., 2010 Ohio 6036, 2010 Ohio LEXIS 3063 (Ohio, Dec. 16, 2010)

77. Bryant v. Scooter Store, Court of Appeals No. L-08-1262, COURT OF APPEALS OF OHIO, SIXTH APPELLATE DISTRICT, LUCAS COUNTY, 2009-Ohio-3910; 2009 Ohio App. LEXIS 3330, August 7, 2009, Decided, Discretionary appeal not allowed by Bryant v. Scooter Store, 2009 Ohio 6487, 2009 Ohio LEXIS 3529 (Ohio, Dec. 16, 2009)

78. Univ. Commons Assocs., LP v. Commercial One Asset Mgmt., No. 91973, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2009-Ohio-3061; 2009 Ohio App. LEXIS 2609, June 25, 2009, Released, Discretionary appeal not allowed by Univ. Commons Assoc. v. Commer. One Asset Mgmt., Inc., 2009 Ohio 6210, 2009 Ohio LEXIS 3368 (Ohio, Dec. 2, 2009)

79. Rispo Inv. Co. v. City of Cleveland, No. 91284, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2009-Ohio-2250; 2009 Ohio App. LEXIS 1912, May 14, 2009, Released, Discretionary appeal not allowed by Rispo Invest. Co. v. Cleveland, 2009 Ohio 5340, 2009 Ohio LEXIS 2876 (Ohio, Oct. 14, 2009)

80. Sky Bank v. Mamone, No. 91812, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 182 Ohio App. 3d 323; 2009-Ohio-2265; 912 N.E.2d 668; 2009 Ohio App. LEXIS 1911, May 14, 2009, Released

81. Natale v. City of Rocky River, No. 90819, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2008-Ohio-5868; 2008 Ohio App. LEXIS 4933, November 13, 2008, Released, Discretionary appeal not allowed by Natale v. Rocky River, 2009 Ohio 1820, 2009 Ohio LEXIS 1076 (Ohio, Apr. 22, 2009)

82. Rossetti v. OM Fin. Life Ins. Co., Case No. 2008CA00083, COURT OF APPEALS OF OHIO, FIFTH APPELLATE DISTRICT, STARK COUNTY, 2008-Ohio-5889; 2008 Ohio App. LEXIS 4937, November 10, 2008, Date of Judgment Entry

83. Cincinnati Ins. Co. v. G.L.H., Inc., Court of Appeals No. E-07-053, COURT OF APPEALS OF OHIO, SIXTH APPELLATE DISTRICT, ERIE COUNTY, 2008-Ohio-5028; 2008 Ohio App. LEXIS 4236, September 24, 2008, Decided

84. Cincinnati Ins. Co. v. G.L.H., Inc., Court of Appeals No. E-07-053, COURT OF APPEALS OF OHIO, SIXTH APPELLATE DISTRICT, ERIE COUNTY, 2008-Ohio-3853; 2008 Ohio App. LEXIS 3249, August 1, 2008, Decided, On reconsideration by, Reversed by Cincinnati Ins. Co. v. G.L.H., Inc., 2008 Ohio 5028, 2008 Ohio 5028, 2008 Ohio App. LEXIS 4236 (Ohio Ct. App., Erie County, Sept. 24, 2008)

85. Leonchuk v. FCI USA, Inc., No. 89331, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2008-Ohio-3796; 2008 Ohio App. LEXIS 3219, July 31, 2008, Released

86. Gaines v. MQSW Acquisition Co., CASE NO. 2007-L-200, COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT, LAKE COUNTY, 2008-Ohio-3744; 2008 Ohio App. LEXIS 3162, July 25, 2008, Decided

87. Huntsman v. Aultman Hosp., Case No. 2006 CA 00331, COURT OF APPEALS OF OHIO, FIFTH APPELLATE DISTRICT, STARK COUNTY, 2008-Ohio-2554; 2008 Ohio App. LEXIS 2149, May 27, 2008, Date of Judgment Entry, Subsequent appeal at Huntsman v. Aultman Hosp., 2008 Ohio 2553, 2008 Ohio App. LEXIS 2148 (Ohio Ct. App., Stark County, May 27, 2008)

88. Preferred Capital, Inc. v. Check Mate Priority Servs., No. 89894, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2008-Ohio-2657; 2008 Ohio App. LEXIS 2243, May 22, 2008, Released, June 2, 2008, Journalized

89. Ohio Bell Tel. Co. v. DiGioia-Suburban Excavating, LLC, Nos. 89708 and 89907, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2008-Ohio-1409; 2008 Ohio App. LEXIS 1246, March 27, 2008, Released, Discretionary appeal not allowed by Ohio Bell Tel. Co. v. Digioia-Suburban Excavating, L.L.C., 2008 Ohio 4911, 2008 Ohio LEXIS 2641 (Ohio, Oct. 1, 2008)

90. Young v. Genie Indus. United States, No. 89665, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2008-Ohio-929; 2008 Ohio App. LEXIS 801, March 6, 2008, Decided

91. Keck v. Metrohealth Med. Ctr., No. 89526, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2008-Ohio-801; 2008 Ohio App. LEXIS 692, February 28, 2008, Released, Discretionary appeal not allowed by Keck v. Metrohealth Med. Ctr., 2008 Ohio 4487, 2008 Ohio LEXIS 2453 (Ohio, Sept. 10, 2008)

92. Mastellone v. Lightning Rod Mut. Ins. Co., No. 88783, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 175 Ohio App. 3d 23; 2008-Ohio-311; 884 N.E.2d 1130; 2008 Ohio App. LEXIS 274, January 31, 2008, Released

93. Gallagher v. WMK Inc., C. A. No. 23564, COURT OF APPEALS OF OHIO, NINTH JUDICIAL DISTRICT, SUMMIT COUNTY, 2007-Ohio-6615; 2007 Ohio App. LEXIS 5802; 64 U.C.C. Rep. Serv. 2d (Callaghan) 647, December 12, 2007, Decided

94. Mulkerin v. Cho, C. A. No. 07CA007-M, COURT OF APPEALS OF OHIO, NINTH JUDICIAL DISTRICT, MEDINA COUNTY, 2007-Ohio-6550; 2007 Ohio App. LEXIS 5714, December 10, 2007, Decided, Discretionary appeal not allowed by Mulkerin v. Cho, 2008 Ohio 2028, 2008 Ohio LEXIS 1297 (Ohio, May 7, 2008)

95. Bischof v. Mentor Exempted Vill. Sch. Dist., CASE NO. 2007-L-056, COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT, LAKE COUNTY, 2007-Ohio-6155; 2007 Ohio App. LEXIS 5397, November 16, 2007, Decided

96. Lewin v. Lutheran W. High Sch., No. 88635, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2007-Ohio-4041; 2007 Ohio App. LEXIS 3680, August 9, 2007, Released

97. Spolar v. Poecze, No. 88549, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2007-Ohio-3525; 2007 Ohio App. LEXIS 3246, July 12, 2007, Released

98. Bencivenni v. Dietz, No. 88269, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2007-Ohio-637; 2007 Ohio App. LEXIS 571, February 15, 2007, Released, Related proceeding at Bencivenni v. Dietz, 2010 Ohio 6057, 2010 Ohio App. LEXIS 5091 (Ohio Ct. App., Lake County, Dec. 10, 2010)

99. In re Estate of Collins, No. 87978 , COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2007-Ohio-631; 2007 Ohio App. LEXIS 577, February 15, 2007, Released

100. Johnson v. Metrohealth Med. Ctr., No. 87976 , COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2007-Ohio-392; 2007 Ohio App. LEXIS 350, February 1, 2007, Released

101. Lambert v. MetroHealth Med. Ctr., No. 87861 , COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2007-Ohio-83; 2007 Ohio App. LEXIS 77, January 11, 2007, Released

102. Western Reserve Cas. v. Glagola, Case No. 2005CA00225 , COURT OF APPEALS OF OHIO, FIFTH APPELLATE DISTRICT, STARK COUNTY, 2006-Ohio-6013; 2006 Ohio App. LEXIS 5950, November 13, 2006, Date of Judgment Entry

103. McGrath v. Ind. Ins., CASE NO. 2005-L-002 , COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT, LAKE COUNTY, 2006-Ohio-4037; 2006 Ohio App. LEXIS 3977, August 4, 2006, Decided

104. Adeen v. Ohio DOC, NO. 87135 , COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2006-Ohio-3604; 2006 Ohio App. LEXIS 3549, July 13, 2006, Date of Announcement of Decision

105. Steele v. Towne Air Freight, Case No. 2005CA00276 , COURT OF APPEALS OF OHIO, FIFTH APPELLATE DISTRICT, STARK COUNTY, 2006-Ohio-2187; 2006 Ohio App. LEXIS 2019, May 1, 2006, Date of Judgment Entry , Discretionary appeal not allowed by Steele v. Towne Air Freight, 2006 Ohio 5083, 2006 Ohio LEXIS 2744 (Ohio, Oct. 4, 2006)

106. Oakwood Club v. Kinney Golf Course Design, NO. 86382 , COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2006-Ohio-1086; 2006 Ohio App. LEXIS 992, March 9, 2006, Date of Announcement of Decision

107. Cincinnati Ins. Co. v. Donzelli, C. A. No. 22686 , COURT OF APPEALS OF OHIO, NINTH APPELLATE DISTRICT, SUMMIT COUNTY, 2006-Ohio-765; 2006 Ohio App. LEXIS 686, February 22, 2006, Decided , Discretionary appeal not allowed by Cincinnati Ins. Co. v. Donzelli, 2006 Ohio 3306, 2006 Ohio LEXIS 2060 (Ohio, July 5, 2006)

108. Briggs v. First Realty Mgmt. Co, NO. 86354 , COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2006-Ohio-458; 2006 Ohio App. LEXIS 391, February 2, 2006, Date of Announcement of Decision

109. Mid-American Fire & Cas. Co. v. Heasley, CASE NO. 2004-L-115 , COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT, LAKE COUNTY, 2005-Ohio-6072; 2005 Ohio App. LEXIS 5474, November 10, 2005, Decided , Discretionary appeal allowed by Mid-Am. Fire & Cas. Co. v. Heasley, 108 Ohio St. 3d 1509, 2006 Ohio 1329, 844 N.E.2d 855, 2006 Ohio LEXIS 710 (2006)Certification granted by Mid-Am. Fire & Cas. Co. v. Heasley, 108 Ohio St. 3d 1507, 2006 Ohio 1329, 844 N.E.2d 853, 2006 Ohio LEXIS 759 (2006)Affirmed by Mid-American Fire & Cas. Co. v. Heasley, 113 Ohio St. 3d 133, 2007 Ohio 1248, 2007 Ohio LEXIS 797 (2007)

110. Zerinsky v. Fisher, CASE NO. 2004-L-133 , COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT, LAKE COUNTY, 2005-Ohio-5761; 2005 Ohio App. LEXIS 5199, October 28, 2005, Decided

111. Maglosky v. Kest, NO. 85382 , COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2005-Ohio-5133; 2005 Ohio App. LEXIS 4644, September 29, 2005, Date of Announcement of Decision

112. Ayers v. R.A. Murphy Co., NO. 85762 , COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 163 Ohio App. 3d 497; 2005-Ohio-4993; 839 N.E.2d 80; 2005 Ohio App. LEXIS 4513, September 22, 2005, Date of Announcement of Decision

113. Univ. Commons Assoc. v. Commercial One Asset Mgmt., NO. 85202 , COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2005-Ohio-4568; 2005 Ohio App. LEXIS 4149, September 1, 2005, Date of Announcement of Decision , Discretionary appeal not allowed by Univ. Commons Ass'n v. Commercial One Asset Mgmt., 108 Ohio St. 3d 1439, 2006 Ohio 421, 842 N.E.2d 64, 2006 Ohio LEXIS 250 (2006)Subsequent appeal at Univ. Commons Assocs., LP v. Commercial One Asset Mgmt., 2009 Ohio 3061, 2009 Ohio App. LEXIS 2609 (Ohio Ct. App., Cuyahoga County, June 25, 2009)

114. Passmore v. Universal Underwriters Ins. Co., CASE NO. 2003-A-0016 , COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT, ASHTABULA COUNTY, 2005-Ohio-4484; 2005 Ohio App. LEXIS 4064, August 26, 2005, Decided , Subsequent appeal at Passmore v. Universal Underwriters Ins. Co., 163 Ohio App. 3d 192, 2005 Ohio 4485, 837 N.E.2d 407, 2005 Ohio App. LEXIS 4066 (Ohio Ct. App., Ashtabula County, Aug. 26, 2005)

115. Houston v. Liberty Mut. Fire Ins. Co., Court of Appeals No. L-04-1161 , COURT OF APPEALS OF OHIO, SIXTH APPELLATE DISTRICT, LUCAS COUNTY, 2005-Ohio-4177; 2005 Ohio App. LEXIS 3801, August 12, 2005, Decided , Discretionary appeal not allowed by Houston v. Liberty Mut. Fire Ins. Co., 2005 Ohio 6763, 2005 Ohio LEXIS 3102 (Ohio, Dec. 28, 2005)

116. Westfield Cos. v. Gibbs, CASE NO. 2004-L-058 , COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT, LAKE COUNTY, 2005-Ohio-4210; 2005 Ohio App. LEXIS 3814, August 12, 2005, Decided

117. Maestle v. Best Buy Co., No. 79827 , COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2005-Ohio-4120; 2005 Ohio App. LEXIS 3759, August 11, 2005, Date of Announcement of Decision , Decision reached on appeal by Maestle v. Best Buy Co., 2011 Ohio 5833, 2011 Ohio App. LEXIS 4739 (Ohio Ct. App., Cuyahoga County, Nov. 10, 2011)

118. Harwood v. Pappas & Assocs., NO. 84761 , COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2005-Ohio-2442; 2005 Ohio App. LEXIS 2326, May 19, 2005, Date of Announcement of Decision , Discretionary appeal not allowed by Harwood v. Pappas & Assoc., 2005 Ohio 5859, 2005 Ohio LEXIS 2607 (Ohio, Nov. 9, 2005)

119. Ind. Ins. Co. v. Forsmark, C.A. No. 04CA008520 , COURT OF APPEALS OF OHIO, NINTH APPELLATE DISTRICT, LORAIN COUNTY, 160 Ohio App. 3d 277; 2005-Ohio-1635; 826 N.E.2d 915; 2005 Ohio App. LEXIS 1577, April 6, 2005, Decided

120. *Huntsman v. Aultman Hosp.*, Case Nos. 2004CA00124 and 2004CA00142 , COURT OF APPEALS OF OHIO, FIFTH APPELLATE DISTRICT, STARK COUNTY, 160 Ohio App. 3d 196; 2005-Ohio-1482; 826 N.E.2d 384; 2005 Ohio App. LEXIS 1435, March 28, 2005, Date of Judgment Entry , Discretionary appeal not allowed by *Huntsman v. Aultman Hosp.*, 106 Ohio St. 3d 1487, 2005 Ohio 3978, 832 N.E.2d 739, 2005 Ohio LEXIS 1736 (2005)Discretionary appeal not allowed by *Huntsman v. Aultman Hosp.*, 106 Ohio St. 3d 1506, 2005 Ohio 4605, 833 N.E.2d 1248, 2005 Ohio LEXIS 1934 (2005)Appeal after remand at *Huntsman v. Aultman Hosp.*, 2008 Ohio 2554, 2008 Ohio App. LEXIS 2149 (Ohio Ct. App., Stark County, May 27, 2008)

121. *Cicchini v. Streza*, Case No. 2004CA00220 , COURT OF APPEALS OF OHIO, FIFTH APPELLATE DISTRICT, STARK COUNTY, 160 Ohio App. 3d 189; 2005-Ohio-1492; 826 N.E.2d 379; 2005 Ohio App. LEXIS 1449; 13 A.L.R.6th 737, March 28, 2005, Date of Judgment Entry , Discretionary appeal not allowed by *Cicchini v. Streza*, 106 Ohio St. 3d 1507, 2005 Ohio 4605, 833 N.E.2d 1249, 2005 Ohio LEXIS 1946 (Ohio, Sept. 7, 2005)

122. *Jones v. Norfolk S. Ry. Co.*, No. 84394 , COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2005-Ohio-879; 2005 Ohio App. LEXIS 911, March 3, 2005, Date of Announcement of Decision

123. *Aquarium Sys. v. Omega Sea Mfg. Corp.*, CASE NOS. 2004-L-110 and 2004-L-111, COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT, LAKE COUNTY, 2005-Ohio-350; 2005 Ohio App. LEXIS 324, January 28, 2005, Decided

124. *Carter v. Nat'l Union Fire Ins. Co.*, NO. 84273 , COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2004-Ohio-6633; 2004 Ohio App. LEXIS 6097, December 9, 2004, Date of Announcement of Decision , Discretionary appeal not allowed by *Carter v. Nat'l Union Fire Ins. Co.*, 2005 Ohio 2188, 2005 Ohio LEXIS 1016 (Ohio, May 11, 2005)

125. *Tomcany v. Range Constr.*, CASE NO. 2003-L-071 , COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT, LAKE COUNTY, 2004-Ohio-5314; 2004 Ohio App. LEXIS 4805, September 30, 2004, Decided

126. *Murfello v. Kemper Ins. Cos.*, CASE NO. 2002-G-2444 , COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT, GEAUGA COUNTY, 2004-Ohio-5113; 2004 Ohio App. LEXIS 4622, September 24, 2004, Decided

127. *Maynor v. Ewings*, NO. 83248 , COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2004-Ohio-5033; 2004 Ohio App. LEXIS 4585, September 23, 2004, Date of Announcement of Decision , Discretionary appeal not allowed by *Maynor v. Ewings*, 2005 Ohio 763, 2005 Ohio LEXIS 365 (Ohio, Mar. 2, 2005)

128. *Quickle v. Progressive Cas. Co.*, No. 82818 , COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2004-Ohio-4496; 2004 Ohio App. LEXIS 4084, August 26, 2004, Date of Announcement of Decision , Discretionary appeal allowed by *Quickle v. Progressive Cas. Co.*, 105 Ohio St. 3d 1463, 2005 Ohio 1024, 824 N.E.2d 91, 2005 Ohio LEXIS 507 (2005)Appeal dismissed by *Quickle v. Progressive Cas. Co.*, 2005 Ohio 5365, 2005 Ohio LEXIS 2256 (Ohio, Oct. 11, 2005)

129. LeMasters v. Kemper Ins. Co., CASE NO. 2003-L-037, COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT, LAKE COUNTY, 158 Ohio App. 3d 277; 2004-Ohio-4282; 814 N.E.2d 1257; 2004 Ohio App. LEXIS 3887, August 13, 2004, Decided

130. Sellers v. Metrohealth Clement Ctr. for Family, NO. 84092, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2004-Ohio-4235; 2004 Ohio App. LEXIS 3852, August 12, 2004, Date of Announcement of Decision

131. Aldrich v. O'Connell, CASE NO. 03-CO-26 , COURT OF APPEALS OF OHIO, SEVENTH APPELLATE DISTRICT, COLUMBIANA COUNTY, 2004-Ohio-2937; 2004 Ohio App. LEXIS 2578, June 2, 2004, Decided

132. Schaffer-Wong v. Knauf USA Polystyrene, CASE NOS. CA2003-01-010, CA2003-01-011 , COURT OF APPEALS OF OHIO, TWELFTH APPELLATE DISTRICT, WARREN COUNTY, 2004-Ohio-1715; 2004 Ohio App. LEXIS 1524, April 5, 2004, Decided , Subsequent appeal at Schaffer-Wong v. Knauf USA Polystyrene, 2005 Ohio 948, 2005 Ohio App. LEXIS 959 (Ohio Ct. App., Warren County, Mar. 7, 2005)

133. Carpenter v. W. Reserve Group, CASE NO. 2002-L-121 , COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT, LAKE COUNTY, 2004-Ohio-1673; 2004 Ohio App. LEXIS 1478, March 29, 2004, Decided

134. Murphy v. Thornton, CASE NO. 03CA18, CASE NO. 03CA19 , COURT OF APPEALS OF OHIO, FOURTH APPELLATE DISTRICT, JACKSON COUNTY, 2004-Ohio-1459; 2004 Ohio App. LEXIS 1310, March 19, 2004, Date Journalized

135. Westfield Ins. Cos. v. D.C. Builders, NO. 82970 , COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2004-Ohio-742; 2004 Ohio App. LEXIS 704, February 19, 2004, Date of Announcement of Decision , Discretionary appeal not allowed by Westfield Ins. Cos. v. D.C. Builders, 102 Ohio St. 3d 1483, 2004 Ohio 3069, 810 N.E.2d 967, 2004 Ohio LEXIS 1492 (Ohio, June 23, 2004)

136. Jarvis v. Kemper Ins. Co., NO. 82353 , COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2004-Ohio-634; 2004 Ohio App. LEXIS 628, February 12, 2004, Date of Announcement of Decision

137. Good v. Travelers Ins. Group/Travelers Indem. Co., CASE NUMBER 12-03-11 , COURT OF APPEALS OF OHIO, THIRD APPELLATE DISTRICT, PUTNAM COUNTY, 2004-Ohio-532; 2004 Ohio App. LEXIS 492, February 9, 2004, Date of Judgment Entry

138. Bumgardner v. Lumbermens Mut. Cas. Co., Case No. 2003CA206 , COURT OF APPEALS OF OHIO, FIFTH APPELLATE DISTRICT, STARK COUNTY, 2004-Ohio-621; 2004 Ohio App. LEXIS 582, February 9, 2004, Date of Judgment Entry , Later proceeding at Bumgardner v. State Farm Mut. Auto. Ins. Co., 2004 Ohio 618, 2004 Ohio App. LEXIS 578 (Ohio Ct. App., Stark County, Feb. 9, 2004)

139. Eslich v. Johnson, Case No. 2003CA00205 , COURT OF APPEALS OF OHIO, FIFTH APPELLATE DISTRICT, STARK COUNTY, 2004-Ohio-620; 2004 Ohio App. LEXIS 585, February 9, 2004, Date of Judgment Entry

140. Hopkins v. Dyer, Case No. 2003AP010009 , COURT OF APPEALS OF OHIO, FIFTH APPELLATE DISTRICT, TUSCARAWAS COUNTY, 2003-Ohio-6178; 2003 Ohio App. LEXIS 5532, November 17, 2003, Date of Judgment Entry , Discretionary appeal allowed by Hopkins v. Dyer, 101 Ohio St. 3d 1494, 2004 Ohio 1482, 805 N.E.2d 1133, 2004 Ohio LEXIS 507 (2004)Reversed by, Remanded by Hopkins v. Dyer, 2004 Ohio 6769, 2004 Ohio LEXIS 2928 (Ohio, Dec. 17, 2004)

141. State ex rel. Westfield Ins. Co. v. Court of Common Pleas, CASE NO. 2003-L-085 , COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT, LAKE COUNTY, 2003-Ohio-5979; 2003 Ohio App. LEXIS 5295, November 7, 2003, Decided

142. Endicott v. Kemper Ins., Case No. 03CA22 , COURT OF APPEALS OF OHIO, FIFTH APPELLATE DISTRICT, RICHLAND COUNTY, 2003-Ohio-5832; 2003 Ohio App. LEXIS 5186, October 30, 2003, Date of Judgment Entry

143. Morrison v. Kemper Ins. Co., NO. 82568 , COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2003-Ohio-5655; 2003 Ohio App. LEXIS 5050, October 23, 2003, Date of Announcement of Decision

144. Hall v. Kemper Ins. Cos., Case No. 02CA17 , COURT OF APPEALS OF OHIO, FOURTH APPELLATE DISTRICT, PICKAWAY COUNTY, 2003-Ohio-5457; 2003 Ohio App. LEXIS 4929, September 30, 2003, Filed , Discretionary appeal not allowed by Hall v. Kemper Ins. Cos., 2004 Ohio 819, 2004 Ohio LEXIS 392 (Ohio, Mar. 3, 2004)

145. Meade v. Beverly Enterprises-Ohio, Inc., CASE NO. 2003-L-007 , COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT, LAKE COUNTY, 154 Ohio App. 3d 521; 2003-Ohio-5231; 797 N.E.2d 1040; 2003 Ohio App. LEXIS 4711, September 26, 2003, Decided , As Corrected December 29, 2003.

146. Garcia v. Green, Court of Appeals No. L-02-1351 , COURT OF APPEALS OF OHIO, SIXTH APPELLATE DISTRICT, LUCAS COUNTY, 2003-Ohio-3841; 2003 Ohio App. LEXIS 3463, July 18, 2003, Decided , Appeal denied by Garcia v. Green, 100 Ohio St. 3d 1484, 2003 Ohio 5992, 798 N.E.2d 1093, 2003 Ohio LEXIS 2997 (Ohio, Nov. 19, 2003)

147. Allgire v. Buckeye State Mut. Ins. Co., C.A. CASE NO. 02CA59 , COURT OF APPEALS OF OHIO, SECOND APPELLATE DISTRICT, MIAMI COUNTY, 2003-Ohio-3760; 2003 Ohio App. LEXIS 3382, July 11, 2003, Rendered

148. Maltz v. Royal Ins. Co. of Am., Court of Appeals No. L-02-1095 , COURT OF APPEALS OF OHIO, SIXTH APPELLATE DISTRICT, LUCAS COUNTY, 2003-Ohio-3438; 2003 Ohio App. LEXIS 3119, June 30, 2003, Decided , On reconsideration by, Affirmed in part and vacated in part by Maltz v. Royal Ins. Co. of Am., 2003 Ohio 4970, 2003 Ohio App. LEXIS 4495 (Ohio Ct. App., Lucas County, Sept. 16, 2003)Application granted by, Cause dismissed by, in part Maltz v. Royal Ins. Co., 100 Ohio St. 3d 1418, 2003 Ohio 5215, 796 N.E.2d 940, 2003 Ohio LEXIS 2548 (2003)Discretionary appeal not allowed by Maltz v. Maltz, 100 Ohio St. 3d 1470, 2003 Ohio 5772, 2003 Ohio LEXIS 2860 (Ohio, Nov. 5, 2003)

149. Molchan v. Williams, NO. 81653 , COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2003-Ohio-3346; 2003 Ohio App. LEXIS 2984, June 26, 2003, Date of Announcement of Decision

150. Dalton v. Lumbermens Mut. Ins. Co., Case No. 2002CA00198 , COURT OF APPEALS OF OHIO, FIFTH APPELLATE DISTRICT, STARK COUNTY, 2003-Ohio-2897; 2003 Ohio App. LEXIS 2610, June 2, 2003, Date of Judgment Entry , Discretionary appeal allowed by Dalton v. Lumbermens Mut. Ins. Co., 100 Ohio St. 3d 1430, 2003 Ohio 5396, 797 N.E.2d 511, 2003 Ohio LEXIS 2668 (2003)Reversed by, in part In re Uninsured & Underinsured Motorist Coverage Cases, 100 Ohio St. 3d 302, 2003 Ohio 5888, 798 N.E.2d 1077, 2003 Ohio LEXIS 2818 (2003)Motion granted by Dalton v. Lumbermens Mut. Ins. Co., 2003 Ohio LEXIS 3140 (Ohio, Nov. 24, 2003)

151. Ryan v. Dolin, No. 81689 , COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2003-Ohio-2738; 2003 Ohio App. LEXIS 2487, May 29, 2003, Date of Announcement of Decision , Discretionary appeal allowed by Ryan v. Dolin, 100 Ohio St. 3d 1469, 2003 Ohio 5772, 798 N.E.2d 405, 2003 Ohio LEXIS 2830 (2003)Reversed by, in part In re Uninsured & Underinsured Motorist Coverage Cases, 100 Ohio St. 3d 302, 2003 Ohio 5888, 798 N.E.2d 1077, 2003 Ohio LEXIS 2818 (2003)Motion granted by Ryan v. Dolin, 100 Ohio St. 3d 1501, 2003 Ohio 6267, 799 N.E.2d 182, 2003 Ohio LEXIS 3141 (2003)Reversed by, Remanded by Ryan v. Dolin, 101 Ohio St. 3d 204, 2004 Ohio 713, 2004 Ohio LEXIS 334 (2004)

152. Hellman v. Motorists Mut. Ins. Co., CASE NUMBER 12-02-14 , COURT OF APPEALS OF OHIO, THIRD APPELLATE DISTRICT, PUTNAM COUNTY, 153 Ohio App. 3d 405; 2003-Ohio-2671; 794 N.E.2d 688; 2003 Ohio App. LEXIS 2417, May 23, 2003, Date of Judgment Entry

153. Marshall v. Colonial Ins. Co., CASE NO. 2001-T-0145 , COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT, TRUMBULL COUNTY, 2003-Ohio-2367; 2003 Ohio App. LEXIS 2202, May 9, 2003, Decided , Appeal denied by Marshall v. Colonial Ins. Co., 100 Ohio St. 3d 1409, 2003 Ohio 4948, 796 N.E.2d 537, 2003 Ohio LEXIS 2471 (2003)Appeal after remand at Marshall v. Colonial Ins. Co., 2007 Ohio 6248, 2007 Ohio App. LEXIS 5480 (Ohio Ct. App., Trumbull County, Nov. 21, 2007)

154. Am. Motorists Ins. Co. v. Unger, CASE NUMBER 4-02-30 , COURT OF APPEALS OF OHIO, THIRD APPELLATE DISTRICT, DEFIANCE COUNTY, 2003-Ohio-1889; 2003 Ohio App. LEXIS 1813, April 15, 2003, Date of Judgment Entry , Discretionary appeal not allowed by Am. Motorists Ins. Co. v. Unger, 99 Ohio St. 3d 1514, 2003 Ohio 3957, 792 N.E.2d 201, 2003 Ohio LEXIS 2073 (Ohio, July 30, 2003)

155. Sexton v. Travelers Prop. & Cas. Co., Case No. 2002CA00301 , COURT OF APPEALS OF OHIO, FIFTH APPELLATE DISTRICT, STARK COUNTY, 2003-Ohio-1700; 2003 Ohio App. LEXIS 1599, March 31, 2003, Date of Judgment Entry

156. Hionis v. Nationwide Ins. Co., NO. 80516 , COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2003-Ohio-1333; 2003 Ohio App. LEXIS 1268, March 20, 2003, Date of Announcement of Decision , Discretionary appeal not allowed by Hionis v. Nationwide Ins. Co., 2003 Ohio LEXIS 2321 (Ohio, Sept. 10, 2003)

157. Nationwide Ins. Co. v. Case Corp., CASE NUMBER 5-02-43 , COURT OF APPEALS OF OHIO, THIRD APPELLATE DISTRICT, HANCOCK COUNTY, 2002-Ohio-6091; 2002 Ohio App. LEXIS 5938, November 12, 2002, Date of Judgment Entry , Appeal denied by Nationwide Ins. Co. v. Case Corp., 2003 Ohio 1572, 2003 Ohio LEXIS 798 (2003)

158. Mueller v. Lindes, NO. 80522 , COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2002-Ohio-5465; 2002 Ohio App. LEXIS 5478, October 10, 2002, Date of Announcement of Decision

159. Addie v. Linville, NOS. 80547, 80916 , COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2002-Ohio-5333; 2002 Ohio App. LEXIS 5365, October 3, 2002, Date of Announcement of Decision , Discretionary appeal allowed by Addie v. Linville, 98 Ohio St. 3d 1488, 2003 Ohio 1189, 785 N.E.2d 471, 2003 Ohio LEXIS 623 (2003) Affirmed by In re Uninsured & Underinsured Motorist Coverage Cases, 100 Ohio St. 3d 302, 2003 Ohio 5888, 798 N.E.2d 1077, 2003 Ohio LEXIS 2818 (2003) Motion granted by Addie v. Linville, 799 N.E.2d 180, 2003 Ohio LEXIS 3068 (Ohio, 2003)

160. Blankenship v. CRT Tree, NO. 80907, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2002-Ohio-5354; 2002 Ohio App. LEXIS 5374, October 3, 2002, Date of Announcement of Decision

161. Maestle v. Best Buy Co., NO. 79827 , COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2002-Ohio-3769; 2002 Ohio App. LEXIS 3898, July 25, 2002, Date of Announcement of Decision , Later proceeding at Maestle v. Best Buy Co., 97 Ohio St. 3d 1405, 2002 Ohio 5557, 776 N.E.2d 1122, 2002 Ohio LEXIS 2595 (2002) Cause dismissed by Maestle v. Best Buy Co., 97 Ohio St. 3d 1406, 2002 Ohio 5557, 776 N.E.2d 1122, 2002 Ohio LEXIS 2599 (2002) Later proceeding at Maestle v. Best Buy Co., 97 Ohio St. 3d 1459, 2002 Ohio 6248, 778 N.E.2d 1050, 2002 Ohio LEXIS 2897 (2002) Reversed by, Remanded by Maestle v. Best Buy Co., 100 Ohio St. 3d 330, 2003 Ohio 6465, 800 N.E.2d 7, 2003 Ohio LEXIS 3422 (2003)

162. Panzica Constr. Co. v. GRE Ins. Group, No. 79931, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2002-Ohio-2023; 2002 Ohio App. LEXIS 1942, April 25, 2002, Date of Announcement of Decision

163. Johnson v. Meridia Euclid Hosp., NO. 80072, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2002-Ohio-1402; 2002 Ohio App. LEXIS 1399, March 28, 2002, Date of Announcement of Decision

164. Mitchell v. Columbiana County Mental Health Ctr., CASE NO. 00 C0 46, COURT OF APPEALS OF OHIO, SEVENTH APPELLATE DISTRICT, COLUMBIANA COUNTY, 2001-Ohio-3472; 2001 Ohio App. LEXIS 5803, December 20, 2001, Decided

165. Brown v. E. Ohio Gas Co., NO. 79003, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 2001 Ohio App. LEXIS 4475, October 4, 2001, Date of Announcement of Decision

166. Henry v. Nationwide Mut. Fire Ins. Co., Case No. CT2001-0014, COURT OF APPEALS OF OHIO, FIFTH APPELLATE DISTRICT, MUSKINGUM COUNTY, 2001-Ohio-1427; 2001 Ohio App. LEXIS 4545, September 28, 2001, Date of Judgment Entry

167. Lane ex rel. Taxpayers & Citizens of Mentor v. City of Mentor, CASE NO. 99-L-045, COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT, LAKE COUNTY, 2000 Ohio App. LEXIS 6101, December 22, 2000, Decided , As Corrected, sua sponte, December 27, 2000.

168. City of Painesville Bldg. Dep't v. Dworken & Bernstein Co., ACCELERATED CASE NO. 98-L-223, COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT, LAKE COUNTY, 1999 Ohio App. LEXIS 3745, August 13, 1999, Decided

169. Robinson v. Motta, NO. 73220, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 1998 Ohio App. LEXIS 4441, September 24, 1998, Date of Announcement of Decision

170. Meyers v. Avery Dennison Corp., ACCELERATED CASE NO. 97-L-105, COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT, LAKE COUNTY, 1998 Ohio App. LEXIS 4375, September 18, 1998, Decided

171. Ondrejcek v. Jelly Rolls, NO. 73997, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 1998 Ohio App. LEXIS 4102, September 3, 1998, Date of Announcement of Decision

172. Bramley v. City of Painesville, ACCELERATED CASE NO. 97-L-038, COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT, LAKE COUNTY, 1997 Ohio App. LEXIS 5848, December 26, 1997, Decided

173. Fortesque v. Rini Rego Supermarkets, NO. 69293, COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT, CUYAHOGA COUNTY, 1996 Ohio App. LEXIS 1697, April 25, 1996, DATE OF ANNOUNCEMENT OF DECISION