

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
WILLIAMS COUNTY

Rob D. Vanalkemade, et al.

Court of Appeals No. WM-08-025

Appellee

Trial Court No. 07 CI 010

v.

Robert Karl Hitsman, et al.

Appellants

v.

Kerry John Nelson, et al.

DECISION AND JUDGMENT

Third-Party Defendants

Decided: June 30, 2009

* * * * *

Scott T. Knowles, for appellee Progressive Casualty Insurance Co.

Joseph J. Golian and Mark Iannotta, for appellants.

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SINGER, J.

This is a companion case to *Vanalkemade v. Hitsman*, 6th Dist. No. WM-08-019, 2009-Ohio-____. The facts of this matter are more fully explained in our decision in that matter.

Appellee, Progressive Casualty Insurance Co., insured a 1965 GMC motor coach. This motor coach was rear-ended on December 6, 2005, on the Ohio Turnpike by a semi tractor-trailer driven by appellant Robert K. Hitsman and owned by appellant Transport Corporation of America.

Appellee, under the terms of a contract of insurance with the owner of the motor coach, reimbursed the owner in the amount of \$7,171.69 for damages to the vehicle. Appellee then instituted a suit in subrogation for that amount against appellants in the Bryan Municipal Court. This suit was eventually transferred to and consolidated with a personal injury suit arising from the same accident in the William County Court of Common Pleas.

In the trial court, appellants impleaded appellee's insured and the driver of the motor coach, seeking contribution for comparative negligence. In that proceeding, appellee, its insured and the driver of the motor coach moved for summary judgment, suggesting that appellants could come forth with no evidence to show that anyone other than appellant Hitsman was responsible for the collision or the damages resulting.

On consideration, the trial court rendered summary judgment in favor of both the impleaded parties and appellee. Appellants appealed these judgments separately.

Pursuant to 6th Dist.Loc.App.R. 12(A), we sua sponte transfer this matter to our accelerated docket and hereby render our decision.

Appellants' assignments of error in this matter are identical to those raised in the companion case, as is our conclusion. Accordingly, on authority of *Vanalkemade v.*

Hitsman, 6th Dist. No. WM-08-019, 2009-Ohio-____, all of appellants' assignments of error are found not well-taken.

On consideration whereof, the judgment of the Williams County Court of Common Pleas is affirmed. Appellants are ordered to pay the costs of this appeal pursuant to App.R. 24.

JUDGMENT AFFIRMED.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27. See, also, 6th Dist.Loc.App.R. 4.

Mark L. Pietrykowski, J.

JUDGE

Arlene Singer, J.

JUDGE

John R. Willamowski, J.
CONCUR.

JUDGE

Judge John R. Willamowski, Third District Court of Appeals, sitting by assignment of the Chief Justice of the Supreme Court of Ohio.

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at:
<http://www.sconet.state.oh.us/rod/newpdf/?source=6>.