

**HIXSON, APPELLANT, v. CALLENTINE ET AL.; WESTPORT
INSURANCE COMPANY, APPELLEE.**

[Cite as *Hixson v. Callentine*, 107 Ohio St.3d 1208, 2005-Ohio-6508.]

*Certification of conflict dismissed as improvidently certified due to want of a
conflict.*

(No. 2005-0290 — Submitted October 12, 2005 — Decided December 28, 2005.)

CERTIFIED by the Court of Appeals for Athens County,
No. 04CA4, 159 Ohio App.3d 146, 2004-Ohio-5943, 823 N.E.2d 459.

{¶ 1} The certification of conflict is dismissed, sua sponte, as having
been improvidently certified; there is a want of a conflict.

MOYER, C.J., RESNICK, PFEIFER, LUNDBERG STRATTON, O’CONNOR,
O’DONNELL and LANZINGER, JJ., concur.

Steven G. Thomakos, L.L.C., and Steven G. Thomakos, for appellant.
Ulmer & Bern, L.L.P., David L. Lester, and David L. Eidelberg; Schindel,
Farman & Lipsius, L.L.P., and Laurence J. Rabinovich, for appellee.

Davis & Young and Richard M. Garner, urging affirmance for amicus
curiae, Avis Rent A Car System, Inc.
