

Copeco, Inc., Appellee, v. Caley et al., Appellants.
[Cite as Copeco, Inc. v. Caley (1994), Ohio St.3d .]
Appellate procedure -- Supreme Court jurisdiction -- Actual
conflict between appellate districts on rule of law must
exist before certification of conflict is proper --
Journal entry certifying conflict must clearly set forth
rule of law upon which alleged conflict exists.
(No. 93-399 -- Submitted March 23, 1994 -- Decided April
27, 1994.)
Certified by the Court of Appeals for Stark County, No.
CA-8776.

Ronald G. Figler, for appellee.
Keith R. Hofer and Don E. Lombardi, for appellants.

This cause is before this court upon the certification of
the Court of Appeals for Stark County that its judgment
conflicted with the judgment of the Court of Appeals for Summit
County in Prinz Office Equip. Co. v. Pesko (Jan. 31, 1990)
Summit App. No. 14155, unreported, WL .

Having examined Prinz Office Equip. Co. and the record in
the present cause, we find that the judgments do not conflict.
Furthermore, the court of appeals in certifying the case did
not clearly set forth the rule of law upon which the alleged
conflict exists. Accordingly, the appeal is dismissed.
Whitelock v. Gilbane Bldg. Co. (1993), 66 Ohio St.3d 594, 613
N.E.2d 1032; Freeman v. Holzer Med. Ctr. (1993), 66 Ohio St.3d
601, 613 N.E.2d 1037; State v. Parobek (1990), 49 Ohio St.3d
61, 550 N.E.2d 476; State v. Radar (1989), 47 Ohio St.3d 112,
548 N.E.2d 210; Hays v. St. Elizabeth Hosp. Med. Ctr. (1988),
38 Ohio St.3d 60, 526 N.E.2d 307; Cook v. Mayfield (1988), 37
Ohio St.3d 44, 523 N.E.2d 502; State v. Palider (1987), 33 Ohio
St.3d 68, 514 N.E.2d 873.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E.
Sweeney and Pfeifer, JJ., concur.