

OPINIONS OF THE SUPREME COURT OF OHIO

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Esber Beverage Company, Appellant, v. Canandaigua Wine Company, Inc. Appellee.

[Cite as Esber Beverage Co. v. Canandaigua Wine Co. (1994), Ohio St.3d .]

Commercial transactions -- Alcoholic beverages franchise not created by operation of law pursuant to R.C. 1333.83 through the mere existence of a written contract between a manufacturer and distributor of such products, where the contract disclaims any intention to create such a relationship and the contract term is for less than six months.

(No. 93-86 -- Submitted January 25, 1994 -- Decided March 23, 1994.)

Certified by the Court of Appeals for Stark County, NO. CA-8974.

Comstock, Springer & Wilson and Marshall D. Buck, for appellant.

Jones, Day, Reavis & Pogue, John W. Edwards II, Kathleen B. Burke and John M. Majoras, for appellee.

The cause is affirmed on authority of Tri County Distrib., Inc. v. Canandaigua Wine Co. (1993), 68 Ohio St.3d 123, 623 N.E.2d 1206.

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