

BARNHILL ET AL., APPELLANTS, v. CITY OF HAMILTON, APPELLEE.

[Cite as *Barnhill v. Hamilton*, 100 Ohio St.3d 66, 2003-Ohio-5029.]

Torts — Open-and-obvious doctrine remains viable in Ohio — Court of appeals’ judgment affirmed on Proposition of Law No. I on authority of Armstrong v. Best Buy Co., Inc. — Proposition of Law No. II improvidently allowed.

(No. 2002-1575 — Submitted September 17, 2003 — Decided October 8, 2003.)

APPEAL from the Court of Appeals for Butler County, No. CA2002-03-052.

{¶1} The judgment of the court of appeals on Proposition of Law No. I is affirmed on the authority of *Armstrong v. Best Buy Co., Inc.*, 99 Ohio St.3d 79, 2003-Ohio-2573, 788 N.E.2d 1088.

{¶2} Proposition of Law No. II is dismissed, sua sponte, as having been improvidently allowed.

MOYER, C.J., RESNICK, F.E. SWEENEY, LUNDBERG STRATTON, O’CONNOR and O’DONNELL, JJ., concur.

PFEIFER, J., dissents.

O’Connor, Acciari & Levy, L.L.C., Barry D. Levy and Michael D. Weisensel, for appellants.

Rendigs, Fry, Kiely & Dennis, L.L.P., Wilson G. Weisenfelder Jr. and Laura I. Munson, for appellee.
