

WAGONER, APPELLANT, v. GERBL, APPELLEE.

[Cite as *Wagoner v. Gerbl*, 98 Ohio St.3d 290, 2003-Ohio-739.]

Discretionary appeal allowed — Court of appeals’ judgment reversed and cause remanded on authority of Kimble v. Kimble.

(No. 2002-1661 — Submitted January 7, 2003 — Decided March 5, 2003.)

APPEAL from the Court of Appeals for Butler County, No. CA2001-10-238, 2002-Ohio-4126.

{¶1} The discretionary appeal is allowed.

{¶2} The judgment of the court of appeals is reversed, and the cause is remanded to the trial court on the authority of *Kimble v. Kimble*, 97 Ohio St.3d 424, 2002-Ohio-6667, 780 N.E.2d 273.

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

F.E. SWEENEY, J., dissents and would affirm the judgment of the court of appeals.

Mary Lou Kusel, for appellant.
