

[Cite as *Hunter v. Dayton*, 119 Ohio St.3d 35, 2008-Ohio-3513.]

**HUNTER ET AL. v. CITY OF DAYTON, APPELLEE, ET AL.; STATE FARM MUTUAL
AUTOMOBILE INSURANCE COMPANY, APPELLANT.**

[Cite as *Hunter v. Dayton*, 119 Ohio St.3d 35, 2008-Ohio-3513.]

Court of appeals' judgment reversed on the authority of Rogers v. Dayton.

(Nos. 2007-0815 and 2007-0816 — Submitted June 4, 2008 — Decided
July 17, 2008.)

APPEAL from and CERTIFIED by the Court of Appeals for
Montgomery County, No. 21680, 2007-Ohio-1336.

{¶ 1} The certified question is answered in the affirmative, and the judgment of the court of appeals is reversed and judgment is entered in favor of appellant, on the authority of *Rogers v. Dayton*, 118 Ohio St.3d 299, 2008-Ohio-2336, 888 N.E.2d 1081.

MOYER, C.J., and PFEIFER, LUNDBERG STRATTON, O'CONNOR,
O'DONNELL, and CUPP, JJ., concur.

LANZINGER, J., dissents.

Patrick J. Bonfield, Dayton Law Director, John J. Danish, Deputy Law
Director, and Shanon M. Potts, Assistant City Attorney, for appellee.

Gallagher, Gams, Pryor, Tallan & Littrell, L.L.P., and Mark H. Gams, for
appellant.
