

[Cite as *Gaspar v. Guenther*, 122 Ohio St.3d 34, 2009-Ohio-2363.]

**GASPAR v. GUENTHER ET AL.; CITY OF SHEFFIELD LAKE ET AL., APPELLANTS;  
MCCULLOUGH, APPELLEE.**

[Cite as *Gaspar v. Guenther*, 122 Ohio St.3d 34, 2009-Ohio-2363.]

*Judgment of the court of appeals affirmed on the authority of. Gen. Acc. Ins. Co.  
v. Ins. Co. of N. Am.*

(No. 2008-1869 — Submitted May 19, 2009 — Decided May 27, 2009.)

APPEAL from the Court of Appeals for Lorain County, No. 08CA009390.

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{¶ 1} This cause was held for the decision in *Walburn v. Dunlap*, 121 Ohio St.3d 373, 2009-Ohio-1221, 904 N.E.2d 863.

{¶ 2} Because the court of appeals properly applied *Gen. Acc. Ins. Co. v. Ins. Co. of N. Am.* (1989), 44 Ohio St.3d 17, 540 N.E.2d 266, the judgment of the court of appeals is affirmed.

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

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Mansour, Gavin, Gerlack & Manos Co., L.P.A., and John F. Burke III, for  
appellee.

Weston Hurd, L.L.P., and Shawn W. Maestle, for appellants.

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