

[Cite as *McNeal v. Morris*, 122 Ohio St.3d 349, 2009-Ohio-3717.]

**MCNEAL, APPELLANT, v. MORRIS ET AL., APPELLEES;  
CITY OF BLUE ASH, APPELLANT.**

[Cite as *McNeal v. Morris*, 122 Ohio St.3d 349, 2009-Ohio-3717.]

*Court of appeals' judgment reversed on the authority of Sullivan v. Anderson  
Twp., and cause remanded.*

(No. 2008-1154 — Submitted May 19, 2009 — Decided August 4, 2009.)

APPEAL from the Court of Appeals for Hamilton County, No. C-061061.

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{¶ 1} The judgment of the court of appeals is reversed on the authority of *Sullivan v. Anderson Twp.*, 122 Ohio St.3d 83, 2009-Ohio-1971, 909 N.E.2d 88, and the cause is remanded for consideration of appellants' assignment of error.

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

PFEIFER and LANZINGER, JJ., dissent.

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Subashi, Wildermuth & Dinkler and Nicholas E. Subashi, for appellants.

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