

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Feazel v. Mills*, Slip Opinion No. 2009-Ohio-5257.]

NOTICE

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**SLIP OPINION NO. 2009-OHIO-5257**

**FEAZEL ET AL., APPELLEES, v. MILLS ET AL; STATE FARM MUTUAL  
AUTOMOBILE INSURANCE COMPANY, APPELLANT.**

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may be cited as *Feazel v. Mills*, Slip Opinion No. 2009-Ohio-5257.]**

*Discretionary appeal accepted, court of appeals' judgment vacated on the  
authority of Walburn v. Dunlap, and cause remanded to apply Walburn v.  
Dunlap.*

(No. 2009-0949 — Submitted September 1, 2009 — Decided October 6, 2009.)  
APPEAL from the Court of Appeals for Butler County, Nos. CA2009-02-063 and  
CA2009-03-091.

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{¶ 1} The discretionary appeal is accepted.

{¶ 2} The judgment of the court of appeals issued on April 9, 2009, dismissing the appeal below is vacated on the authority of *Walburn v. Dunlap*, 121 Ohio St.3d 373, 2009-Ohio-1221, 904 N.E.2d 863, and the cause is remanded to the court of appeals to apply *Walburn v. Dunlap*.

SUPREME COURT OF OHIO

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

LANZINGER, J., dissents.

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Gallagher, Gams, Pryor, Tallan & Littrell, L.L.P., and James R. Gallagher,  
for appellant.

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