

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Klaus v. United Equity, Inc.*, Slip Opinion No. 2010-Ohio-1014.]

NOTICE

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SLIP OPINION NO. 2010-OHIO-1014

KLAUS, APPELLEE, v. UNITED EQUITY, INC., APPELLANT.

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Klaus v. United Equity, Inc.*, Slip Opinion No. 2010-Ohio-1014.]

Court of appeals' judgment reversed, and cause remanded to the court of appeals to apply Kaminski v. Metal & Wire Prods. Co. and Stetter v. R.J. Corman Derailment Servs., L.L.C.

(No. 2008-0894 — Submitted February 18, 2009 — Decided March 23, 2010.)

APPEAL from the Court of Appeals for Allen County,

No. 1-07-63, 2008-Ohio-1344.

{¶ 1} The judgment of the court of appeals is reversed, and the cause is remanded to the court of appeals to apply *Kaminski v. Metal & Wire Prods. Co.*, ___ Ohio St.3d ___, 2010-Ohio-1027, ___ N.E.2d ___, and *Stetter v. R.J. Corman Derailment Servs., L.L.C.*, ___ Ohio St.3d ___, 2010-Ohio-1029, ___ N.E.2d ___.

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

SUPREME COURT OF OHIO

PFEIFER, J., dissents for the reasons stated in his dissenting opinions in *Kaminski v. Metal & Wire Prods. Co.* and *Stetter v. R.J. Corman Derailment Servs., L.L.C.*

Rumer & Maisch Co., L.L.C., Victoria U. Maisch, and Michael A. Rumer,
for appellee.

Ulmer & Berne, L.L.P., Brian N. Ramm, and Elizabeth A. Harvey; and
Borgstahl & Zychowicz, Ltd., and Michael J. Zychowicz, for appellant.
