

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Barry v. A.E. Steel Erectors, Inc.*, Slip Opinion No. 2010-Ohio-3131.]

NOTICE

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SLIP OPINION NO. 2010-OHIO-3131

BARRY ET AL., APPELLEES, v. A.E. STEEL ERECTORS, INC., APPELLANT, ET AL.

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may be cited as *Barry v. A.E. Steel Erectors, Inc.*,

Slip Opinion No. 2010-Ohio-3131.]

Court of appeals' judgment reversed on the authority of Kaminski v. Metal & Wire Prods. Co. and Stetter v. R.J. Corman Derailment Servs., L.L.C., and judgment of the trial court reinstated.

(No. 2008-1840 — Submitted March 31, 2010 — Decided July 8, 2010.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 90436,
2008-Ohio-3676.

{¶ 1} The judgment of the court of appeals is reversed on the authority of *Kaminski v. Metal & Wire Prods. Co.*, 125 Ohio St.3d 250, 2010-Ohio-1027, 927 N.E.2d 1066, and *Stetter v. R.J. Corman Derailment Servs., L.L.C.*, 125 Ohio St.3d 280, 2010-Ohio-1029, 927 N.E.2d 1092, and the judgment of the trial court is reinstated.

SUPREME COURT OF OHIO

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

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.*

BROWN, C.J., not participating.

Paul W. Flowers Co., L.P.A., and Paul W. Flowers; and Bashein &
Bashein Co., L.P.A., and W. Craig Bashein, for appellees.

Roetzel & Andress, L.P.A., Laura M. Faust, and Douglas G. Leak, for
appellant.
