

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Fleming v. A.A.S. Serv., Inc.*, Slip Opinion No. 2010-Ohio-3132.]

NOTICE

This slip opinion is subject to formal revision before it is published in an advance sheet of the Ohio Official Reports. Readers are requested to promptly notify the Reporter of Decisions, Supreme Court of Ohio, 65 South Front Street, Columbus, Ohio 43215, of any typographical or other formal errors in the opinion, in order that corrections may be made before the opinion is published.

SLIP OPINION NO. 2010-OHIO-3132

FLEMING ET AL., APPELLEES, v. A.A.S. SERVICE, INC., APPELLANT, ET AL.

[Until this opinion appears in the Ohio Official Reports advance sheets, it

may be cited as *Fleming v. A.A.S. Serv., Inc.*,

Slip Opinion No. 2010-Ohio-3132.]

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. 2008-1852 — Submitted March 31, 2010 — Decided July 8, 2010.)

APPEAL from the Court of Appeals for Portage County, No. 2007-P-0071,
177 Ohio App.3d 778, 2008-Ohio-3908.

{¶ 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.

James J. Gutbrod, for appellees.

Pelini, Campbell, Williams & Traub, L.L.C., Craig G. Pelini, and Kristen
E. Campbell, for appellant.
