

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Conley v. Faurecia Exhaust Sys., Inc.*, Slip Opinion No. 2010-Ohio-5272.]

NOTICE

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SLIP OPINION NO. 2010-OHIO-5272

**CONLEY ET AL., APPELLEES, v. FAURECIA EXHAUST SYSTEMS, INC. ET AL.;
R & D MACHINE, INC., APPELLANT.**

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may be cited as *Conley v. Faurecia Exhaust Sys., Inc.*,
Slip Opinion No. 2010-Ohio-5272.]**

*Discretionary appeal accepted on Proposition of Law No. I, judgment of the court of appeals reversed on the authority of *Pettiford v. Aggarwal*, and cause remanded to the court of appeals for further proceedings consistent with *Pettiford v. Aggarwal*.*

(No. 2010-1192 — Submitted September 28, 2010 — Decided
November 2, 2010.)

APPEAL from the Court of Appeals for Miami County, No. 2009 CA 26,
2010-Ohio-2394.

{¶ 1} The discretionary appeal is accepted on Proposition of Law No. I.

{¶ 2} The judgment of the court of appeals is reversed on the authority of *Pettiford v. Aggarwal*, 126 Ohio St.3d 413, 2010-Ohio-3237, 934 N.E.2d 913, and

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the cause is remanded to the court of appeals for further proceedings consistent with *Pettiford v. Aggarwal*.

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

BROWN, C.J., and PFEIFER, J., dissent and would not accept the discretionary appeal.

Volkema, Thomas, Miller & Scott, Michael S. Miller, and Warner M. Thomas Jr., for appellees.

Freund, Freeze & Arnold, Gordon D. Arnold, and Patrick J. Janis, for appellant.
