

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Luri v. Republic Servs., Inc.*, Slip Opinion No. 2012-Ohio-2914.]

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SLIP OPINION NO. 2012-OHIO-2914

LURI, APPELLEE AND APPELLANT-CROSS-APPELLEE, v. REPUBLIC SERVICES, INC. ET AL., APPELLANTS AND APPELLEES-CROSS-APPELLANTS.

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Court of appeals' judgment reversed and cause remanded for application of Havel v. Villa St. Joseph.

(Nos. 2011-1097 and 2011-1120—Submitted June 19, 2012—Decided July 3, 2012.)

APPEAL and CROSS-APPEAL from and CERTIFIED by the Court of Appeals for Cuyahoga County, No. 94908, 193 Ohio App.3d 682, 2011-Ohio-2389.

Per Curiam.

{¶ 1} The certified question in case No. 2011-1097 is answered in the negative, and the cross-appellants' first proposition of law in case No. 2011-1120 is sustained. Appellant's discretionary appeal in case No. 2011-1120 is moot. The judgment of the court of appeals is reversed, and the cause is remanded for

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application of *Havel v. Villa St. Joseph*, 131 Ohio St.3d 235, 2012-Ohio-552, 963 N.E.2d 1270.

Judgment reversed
and cause remanded.

O'CONNOR, C.J., and PFEIFER, LUNDBERG STRATTON, O'DONNELL,
LANZINGER, CUPP, and MCGEE BROWN, JJ., concur.

Tucker, Ellis & West, L.L.P., Irene C. Keyse-Walker, and Benjamin C. Sassé, for appellee in case No. 2011-1097 and for appellant and cross-appellee in case No. 2011-1120.

Squire, Sanders & Dempsey, L.L.P, Robin G. Weaver, Stephen P. Anway, and Trevor G. Covey, for appellants in case No. 2011-1097 and for appellees and cross-appellants in case No. 2011-1120.
