

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Cain v. Horn*, Slip Opinion No. 2020-Ohio-6761.]

NOTICE

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**SLIP OPINION NO. 2020-OHIO-6761**

**CAIN ET AL., APPELLEES, v. HORN ET AL., APPELLANTS.**

**[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Cain v. Horn*, Slip Opinion No. 2020-Ohio-6761.]**

*Court of appeals' judgment as to proposition of law No. I affirmed on the authority of West v. Bode—Proposition of law No. II dismissed as having been improvidently accepted.*

(No. 2020-0761—Submitted December 15, 2020—Decided December 29, 2020.)

APPEAL from the Court of Appeals for Guernsey County,

No. 19CA000031, 2020-Ohio-3171.

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{¶ 1} The judgment of the court of appeals as to proposition of law No. I is affirmed on the authority of *West v. Bode*, \_\_\_ Ohio St.3d \_\_\_, 2020-Ohio-5473, \_\_\_ N.E.3d \_\_\_.

{¶ 2} Proposition of law No. II of the appeal is dismissed as having been improvidently accepted.

SUPREME COURT OF OHIO

O'CONNOR, C.J., and FRENCH, FISCHER, DEWINE, and STEWART, JJ.,  
concur.

KENNEDY and DONNELLY, JJ., concur in part and dissent in part and would  
reverse the judgment of the court of appeals as to proposition of law No. I.

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Krugliak, Wilkins, Griffiths & Dougherty Co., L.P.A., Gregory W. Watts,  
Matthew W. Onest, and Wayne A. Boyer, for appellees Julia A. Cain and David J.  
Cain.

Kincaid, Taylor & Geyer, Scott D. Eickelberger, and David J. Tarbert, for  
appellants, Diana Burrett Horn, William B. Burrett, Molly V. Shepard Brady, Peter  
B. Shepard, Nancy Shepard, Marguerite S. Oakes, and Thomas B. Oakes.

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