

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Cincinnati Ins. Co. v. Discount Drug Mart, Inc.*, Slip Opinion No. 2022-Ohio-3714.]

NOTICE

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SLIP OPINION NO. 2022-OHIO-3714

**CINCINNATI INSURANCE COMPANY, APPELLANT, v. DISCOUNT DRUG MART,
INC., APPELLEE.**

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Cincinnati Ins. Co. v. Discount Drug Mart, Inc.*, Slip Opinion No. 2022-Ohio-3714.]

Court of appeals' judgment vacated and cause remanded for application of Acuity v. Masters Pharmaceutical, Inc.

(No. 2022-0318—Submitted October 4, 2022—Decided October 20, 2022.)

APPEAL from the Court of Appeals for Cuyahoga County,

No. 110151, 2021-Ohio-4604.

{¶ 1} The judgment of the court of appeals is vacated, and the cause is remanded to that court for application of *Acuity v. Masters Pharmaceutical, Inc.*, __ Ohio St.3d __, 2022-Ohio-3092, __ N.E.3d __.

O'CONNOR, C.J., and KENNEDY, FISCHER, DEWINE, DONNELLY, STEWART, and BRUNNER, JJ., concur.

SUPREME COURT OF OHIO

Collins, Roche, Utley & Garner, Richard M. Garner, and David L. Lester,
for appellant.

Cavitch, Familo & Durkin Co., L.P.A., and Gregory E. O'Brien, for
appellee.

Koehler Fitzgerald, L.L.C., and Timothy J. Fitzgerald, in support of
appellant for amicus curiae Ohio Insurance Institute.

Reed Smith, L.L.P., and Justin H. Werner, in support of appellee for amicus
curiae United Policyholders.
