

IN THE SUPREME COURT OF THE
STATE OF OREGON

PATRICIA SURFACE,

Plaintiff-Appellant,
Petitioner on Review,

and

JAMES SURFACE,

Plaintiff,
Petitioner on Review,

v.

AMERICAN SPIRIT INSURANCE
COMPANIES/GREAT AMERICAN
INSURANCE COMPANIES,

Defendants-Respondents,
Respondents on Review.

) Multnomah County Circuit Court
Case no. 6909-07133

) SC S45629
CA A98377

) **ORDER AFFIRMING BY AN
EQUALLY DIVIDED COURT**

Upon consideration by the court.

The decision of the Court of Appeals is affirmed by an equally divided court.

Dated this 8th day of April 2003.

WALLACE P. CARSON, JR.
CHIEF JUSTICE

Van Hoomissen, J., retired December 31, 2000, and did not participate in the decision of this case; Kulongoski, J., resigned June 14, 2001, and did not participate in the decision of this case; Leeson, J., resigned January 31, 2003, and did not participate in the decision of this case; De Muniz and Balmer, JJ., did not participate in the consideration or decision of this case.