

**MCCLELLAN ET AL., APPELLEES, v. MCGARY ET AL., APPELLANTS.**

**[Cite as *McClellan v. McGary*, 163 Ohio St.3d 541, 2020-Ohio-6762.]**

*Court of appeals' judgment affirmed on the authority of West v. Bode.*

(No. 2020-0589—Submitted December 15, 2020—Decided December 29, 2020.)

APPEAL from the Court of Appeals for Monroe County,

No. 19 MO 0018, 2020-Ohio-1109.

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{¶ 1} The judgment of the court of appeals is affirmed on the authority of *West v. Bode*, 162 Ohio St.3d 293, 2020-Ohio-5473, 165 N.E.3d 298.

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

KENNEDY and DONNELLY, JJ., dissent and would reverse the judgment of  
the court of appeals.

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Yoss Law Office, L.L.C., and Ryan M. Regel, for appellees, Gary  
McClellan and Jerry McClellan.

Critchfield, Critchfield & Johnson, Ltd., and Andrew P. Lycans, for  
appellants, Marian McGary (a.k.a. Marion McGary), Larry McGary, Richard  
Clegg, Donna L. Craig, Terry L. Craig, Karen McKelvey, Kenneth McKelvey,  
Robert D. Clegg, Connie Waltz, Margret H. Clegg, Marcia L. Clegg, Cindy  
Gordon, Paul E. Gordon (a.k.a. Paul E. Gordon Jr.), Jeff Clegg, Roger K. Rufener,  
and Janet Lee Deal.

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