

OPINIONS OF THE SUPREME COURT OF OHIO

The full texts of the opinions of the Supreme Court of Ohio are being transmitted electronically beginning May 27, 1992, pursuant to a pilot project implemented by Chief Justice Thomas J. Moyer.

Please call any errors to the attention of the Reporter's Office of the Supreme Court of Ohio. Attention: Walter S. Kobalka, Reporter, or Deborah J. Barrett, Administrative Assistant. Tel.: (614) 466-4961; in Ohio 1-800-826-9010. Your comments on this pilot project are also welcome.

NOTE: Corrections may be made by the Supreme Court to the full texts of the opinions after they have been released electronically to the public. The reader is therefore advised to check the bound volumes of Ohio St.3d published by West Publishing Company for the final versions of these opinions. The advance sheets to Ohio St.3d will also contain the volume and page numbers where the opinions will be found in the bound volumes of the Ohio Official Reports.

Addison, Guardian, Appellee, v. Ohio River Company et al., Appellees and Cross-Appellants; Consolidated Grain and Barge Company, Appellant and Cross-Appellee.  
[Cite as Addison v. Ohio River Co. (1993), Ohio St.3d .] Appeal dismissed as improvidently allowed.

(No. 92-909 -- Submitted March 17, 1993 -- Decided July 28, 1993.)

Appeal from the Court of Appeals for Hamilton County, Nos. C-910057 and C-910059.

John Rockel, Sandor Korein and Michael B. Marker, for appellee.

Rendigs, Fry, Kiely & Dennis, William P. Schroeder and Ralph F. Mitchell, for appellees and cross-appellants. Wood & Lamping, David A. Caldwell and William R. Ellis, for appellant and cross-appellee.

This cause is dismissed, sua sponte, as having been improvidently allowed.

A.W. Sweeney, Douglas, Resnick and F.E. Sweeney, JJ., concur.

Moyer, C.J., and Wright, J., dissent with opinion.

Pfeifer, J., dissents.

Wright, J., dissenting. As to the claims against appellant Consolidated Grain & Barge Co. ("CGB"), the court of appeals misapplied Ohio's summary judgment standard. Based on Civ.R. 56(C) materials before the trial court, no reasonable mind could conclude that CGB was liable to the third-party plaintiffs. I feel that the court of appeals' error was significant given the importance of summary judgment in our judicial system. This court should have reached the merits and reversed the judgment of the court of appeals. I respectfully dissent.

Moyer, C.J., concurs in the foregoing dissenting opinion.