

OPINIONS OF THE SUPREME COURT OF OHIO

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Stark et al., Appellants, v. Arn et al., Appellees.

[Cite as Stark v. Arn (1993, Ohio St.3d .)]
Pleadings -- R.C. 2309.01 is in conflict with Civ.R. 8(A) and is invalid and of no force and effect -- Ohio Rules of Civil Procedure control over subsequently enacted inconsistent statutes purporting to govern procedural matters.

(No. 93-212 -- Submitted April 21, 1993 -- Decided May 19, 1993.)

Appeal from the Court of Appeals for Montgomery County, No. 13125.

Freund, Freeze & Arnold and Neil F. Freund, for appellants.
Jacobson, Maynard, Tuschman & Kalur, Gregory C. Gibson and Pamela Pantages; Jenks, Surdyk & Cowdrey and Susan Blasik-Miller, for appellee Kenneth D. Arn, M.D.

Bieser, Green & Landis and John F. Haviland, for appellees Steven L. Schaerer, M.D., and Dell Park Medical Group, Inc.

The motion to certify the record is allowed and the judgment of the court of appeals is reversed on authority of Rockey v. 84 Lumber Co. (1993), Ohio St.3d , N.E.2d .

The cause is remanded to the trial court for a new trial.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.