

OPINIONS OF THE SUPREME COURT OF OHIO

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Cyrus, Appellant, v. Henes; Westinghouse Electric Corporation et al., Appellees.

[Cite as Cyrus v. Henes (1994), Ohio St.3d .]  
Statutes of repose -- Elements considered in determining whether an item is an "improvement" to real property under R.C. 2305.131 -- R.C. 2305.131 is unconstitutional.  
(No. 93-2066 -- Submitted October 12, 1994 -- Decided November 9, 1994.)

Appeal from the Court of Appeals for Lorain County, No. 92CA005527.

Nurenberg, Plevin, Heller & McCarthy Co., L.P.A., Thomas Mester, Joel Levin, James T. Schumacher and Sandra J. Rosenthal, for appellant.

Ogne, Alberts & Stuart, P.C., Wayne L. Ogne, Bryan Cermak and Michael A. Ross, for appellees.

The judgment of the court of appeals is reversed and the cause is remanded to the trial court on the authority of Brennaman v. R.M.I. Co. (1994), 70 Ohio St.3d 460, N.E.2d .

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

Wright, J., dissents for the reasons stated in the Chief Justice's opinion concurring in part and dissenting in part in Brennaman v. R.M.I. Co. (1994), 70 Ohio St.3d 460, N.E.2d .