

OPINIONS OF THE SUPREME COURT OF OHIO

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[Cite as Depew v. Ogella (1994), Ohio St.3d .]
Torts -- Damages -- Collateral benefits -- R.C. 2317.45
violates Sections 2, 5 and 16, Article I of the Ohio
Constitution, and is unconstitutional in toto.
(No. 94-742 -- Submitted June 15, 1994 -- Decided July 27,
1994.)
Appeal from the Court of Appeals for Medina County, No.
2220-M.

Laybourne, Smith, Gore & Goldsmith, A. Russell Smith,
Robert B. Laybourne and Joy S. Wagner, for appellants.
Buckingham, Doolittle & Burroughs Co., L.P.A., and David
W. Hilkert, for appellee.

The motion to certify the record is allowed, the judgment
on appeal is reversed, and the cause is remanded to the trial
court on authority of Sorrell v. Thevenir (1994), 69 Ohio St.3d
415, N.E.2d .

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

Moyer, C.J., concurs separately.

Wright, J., dissents.

Moyer, C.J., concurring separately. I concur separately
in the judgment entry in the above-styled case. As my dissent
in Sorrell v. Thevenir (1994), 69 Ohio St.3d 415,
N.E.2d , stated, I do not agree with the law announced in
the majority decision. Nevertheless, it is the law on the
issue in the above-styled case. As I believe all parties
should receive equal application of the law announced by this
court, and only for that reason, I concur in the judgment entry.