

**TURK ET AL., APPELLANTS, v. TROLLEY TOURS OF CLEVELAND, INC., DBA  
LOLLY THE TROLLEY, ET AL., APPELLEES.**

**[Cite as *Turk v. Trolley Tours of Cleveland, Inc.*, 1994-Ohio-34.]**

*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. 93-2019—Submitted January 12, 1994—Decided June 1, 1994.)

APPEAL from the Court of Appeals for Cuyahoga County, Nos. 62964 and 63087.

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*Spangenberg, Shibley, Traci, Lancione & Liber, Donald P. Traci* and *James  
A. Marx*, for appellants.

*Richard R. Kuepper*, for appellee Trolley Tours of Cleveland, Inc.

*Arter & Hadden, Irene C. Keyse-Walker, James A. Laurenson* and *Kathleen  
G. Dus*, for appellee Dallas & Mavis Forwarding Company.

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{¶ 1} The judgment is reversed as to Propositions of Law I and II and the  
cause is remanded to the trial court on authority of *Sorrell v. Thevenir* (1994), 69  
Ohio St.3d 415, 633 N.E.2d 504, decided today.

A.W. SWEENEY, DOUGLAS, RESNICK, F.E. SWEENEY and PFEIFER, JJ.,  
concur.

MOYER, C.J., and WRIGHT, J., dissent.

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