

OPINIONS OF THE SUPREME COURT OF OHIO

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Santana, Appellee, v. Auto-Owners Insurance Company, Appellant.  
[Cite as Santana v. Auto-Owners Ins. Co. (1994), Ohio St.3d .]

Appellate procedure -- Supreme Court jurisdiction -- Actual conflict between appellate districts on rule of law must exist before certification of conflict is proper.

(No. 93-1349 -- Submitted March 29, 1994 -- Decided May 4, 1994.)

Certified by the Court of Appeals for Lucas County, No. L-92-262.

Law Offices of Mollenkamp & Fisher, John B. Fisher and Alan L. Mollenkamp, for appellee.

Jones & Bahret Co., L.P.A., Robert J. Bahret and Keith J. Watkins, for appellant.

This cause is before this court upon the certification of the Court of Appeals for Lucas County that its judgment conflicted with the judgment of the Court of Appeals for Mahoning County in Miller v. Shelby Mut. Ins. Co. (1969), 20 Ohio App.2d 323, 49 O.O.2d 451, 253 N.E.2d 801.

Having examined Miller and the record in the present cause, we find that the judgments do not conflict. Accordingly, the appeal is dismissed. *Copeco, Inc. v. Caley* (1994), 69 Ohio St.3d , N.E.2d ; *Whitelock v. Gilbane Bldg. Co.* (1993), 66 Ohio St.3d 594, 613 N.E.2d 1032; *Freeman v. Holzer Med. Ctr.* (1993), 66 Ohio St.3d 601, 613 N.E.2d 1037; *State v. Parobek* (1990) 49 Ohio St.3d 61, 550 N.E.2d 476; *State v. Radar* (1989), 47 Ohio St.3d 112, 548 N.E.2d 210; *Hays v. St. Elizabeth Hosp. Med. Ctr.* (1988), 38 Ohio St.3d 60, 526 N.E.2d 307; *Cook v. Mayfield* (1988), 37 Ohio St.3d 44, 523 N.E.2d 502; *State v. Palider* (1987), 33 Ohio St.3d 68, 514 N.E.2d 873.

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

Judith A. Christley, J., of the Eleventh Appellate District, sitting for Resnick, J.