

OPINIONS OF THE SUPREME COURT OF OHIO

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Byers et al., Appellees, v. Consolidated Aluminum Corporation et al.; Stamco Corporation, Appellant.

[Cite as Byers v. Consol. Aluminum Corp. (1995), Ohio St.3d .]

Civil actions -- Products liability claims for bodily injury governed by two-year statute of limitations period in R.C. 2305.10 and not by six-year statute of limitations period in R.C. 2305.07.

(No. 94-1200 -- Submitted July 12, 1995 -- Decided August 16, 1995.)

Appeal from the Court of Appeals for Monroe County, No. 716.

Wiles, Doucher, Van Buren & Boyle Co., L.P.A., Thomas E. Boyle and Jumana E. Trad, for appellant.

The judgment of the court of appeals is reversed, and the judgment of the trial court is reinstated on the authority of McAuliffe v. W. States Import Co., Inc. (1995), Ohio St.3d , N.E.2d .

Moyer, C.J., Wright, Pfeifer and Cook, JJ., concur.

Douglas, Resnick and F.E. Sweeney, JJ., dissent.

Byers v. Consol. Aluminum Corp.

Douglas, J., dissenting. I respectfully dissent. I do so on the basis of Justice Francis E. Sweeney's well-reasoned dissent in McAuliffe v. W. States Import Co., Inc. (1995), Ohio St.3d , N.E.2d . Given the majority opinion in McAuliffe, it should now be understood that all common-law products liability causes of action survive the enactment of R.C. 2307.71 et seq., the Ohio Product Liability Act, unless specifically covered by the Act because the Act, according to the majority in McAuliffe, "\* \* \* falls short of creating a previously unavailable cause of action \* \* \*." Id. at , N.E.2d at . The courts of appeals were right in both this case and McAuliffe.

Resnick and F.E. Sweeney, JJ., concur in the foregoing dissenting opinion.