

**BOARD OF EDUCATION OF THE CLEVELAND CITY SCHOOL DISTRICT v. URS
COMPANY, APPELLANT; DOW CHEMICAL COMPANY, APPELLEE.**

[Cite as *Cleveland City School Dist. Bd. of Edn. v. URS Co., 1995-Ohio-48.*]

Statutes of repose—R.C. 2305.131 is unconstitutional.

(No. 94-2378—Submitted April 4, 1995—Decided May 17, 1995.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 64496.

Hahn Loeser & Parks, Mark E. Staib and Royce R. Remington, for
appellant.

{¶ 1} The discretionary appeal is allowed, and the judgment of the court of
appeals is affirmed in part and reversed in part on the authority of *Brennaman v.
R.M.I. Co.* (1994), 70 Ohio St.3d 460, 639 N.E.2d 425. Only that portion of the
court of appeals' opinion that finds the indemnification and contribution claims of
URS Company to be time barred by R.C. 2305.131 is reversed. The portion of the
appellate opinion addressing URS Company's fraud claims is affirmed.

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER and COOK, JJ.,
concur.

WRIGHT, J., dissents.
