

**OHIO STATE CHIROPRACTIC ASSOCIATION ET AL., APPELLANTS, v. OHIO
BUREAU OF WORKERS' COMPENSATION ET AL., APPELLEES.**

**[Cite as *Ohio State Chiropractic Assn. v. Ohio Bur. of Workers' Comp.*,
1995-Ohio-74.]**

Civil procedure—Trial court has authority under R.C. 2721.09 to assess attorney fees based on a declaratory judgment issued by the court—Determination to grant or deny request for fees will not be disturbed, absent an abuse of discretion.

(No. 94-1046—Submitted May 10, 1995—Decided July 12, 1995.)

APPEAL from the Court of Appeals for Franklin County, No. 93AP-866.

Karr & Sherman Co., L.P.A., Keith M. Karr and Robert P. Sherman, for appellants.

Betty D. Montgomery, Attorney General, and *Dennis L. Hufstader*, Assistant Attorney General, for appellees.

{¶ 1} The judgment of the court of appeals is reversed, and the cause is remanded to the trial court to apply *Motorists Mut. Ins. Co. v. Brandenburg* (1995), 72 Ohio St.3d 157, 648 N.E.2d 488.

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

PFEIFER, J., concurs in part and dissents in part.

WRIGHT and COOK, JJ., dissent.

PFEIFER, J., concurring in part and dissenting in part.

{¶ 2} I concur that *Motorists Mut. Ins. Co. v. Brandenburg* (1995), 72 Ohio St.3d 157, 648 N.E.2d 488, controls this case. I dissent from the majority's decision

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to remand—we should have found that attorney fees are inappropriate and ended the matter in this court.

WRIGHT, J., dissenting.

{¶ 3} For the reasons stated in Justice Cook's dissenting opinion in *Motorists Mut. Ins. Co. v. Brandenburg* (1995), 72 Ohio St.3d 157, 648 N.E.2d 488, which I joined, I respectfully dissent.

Cook, J., concurs in the foregoing dissenting opinion.
