

**McLAUGHLIN ET AL., APPELLANTS, v. LOWMAN, D.B.A. LOWMAN LUMBER,
APPELLEE AND CROSS-APPELLANT.**

[Cite as *McLaughlin v. Lowman*, 1997-Ohio-118.]

Torts—Unauthorized removal of timber from private property—Criminal conviction is not a prerequisite to the imposition of civil liability for treble damages under R.C. 901.51.

(No. 97-1239—Submitted October 7, 1997—Decided November 19, 1997.)

APPEAL and CROSS-APPEAL from the Court of Appeals for Pike County, No.
96 CA 572.

Wilson Law Office and *Charles H. Wilson, Jr.*, for appellants.

Phillips & Street and *David M. Phillips*; and *Randy D. Deering*, for appellee
and cross-appellant.

{¶ 1} The discretionary appeal is allowed.

{¶ 2} The judgment of the court of appeals is reversed, and the cause is
remanded to the trial court for further proceedings consistent with *Wooten v.*
Knisley (1997), 79 Ohio St.3d 282, 680 N.E.2d 1245.

{¶ 3} The discretionary cross-appeal is denied.

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