

**LEISURE, ADMR., ET AL., APPELLANTS AND CROSS-APPELLEES, v. STATE FARM
MUTUAL AUTOMOBILE INSURANCE COMPANY; FARMERS INSURANCE OF
COLUMBUS, INC., APPELLEE AND CROSS-APPELLANT.**

**LEISURE, ADMR., ET AL., APPELLANTS AND CROSS-APPELLEES, v. STATE FARM
MUTUAL AUTOMOBILE INSURANCE COMPANY, APPELLEE AND CROSS-
APPELLANT, ET AL.**

[Cite as *Leisure v. State Farm Mut. Auto. Ins. Co.*, 2000-Ohio-433.]

*Civil procedure—Judgments of court of appeals affirmed to the extent they vacated
default judgments and causes remanded to trial court for further
proceedings in accordance with R.C. 2721.12 and Cicco v. Stockmaster.*

(Nos. 98-2110 and 98-2481—Submitted February 23, 2000—Decided June 7,
2000.)

APPEAL and CROSS-APPEAL from the Court of Appeals for Stark County, Nos.
1997CA00417 and 1998CA00001.

APPEAL and CROSS-APPEAL from the Court of Appeals for Stark County, Nos.
1997CA00420 and 1997CA00445.

The Okey Law Firm, L.P.A., Steven P. Okey and Scott A Washam, for
appellants and cross-appellees.

*Gallagher, Sharp, Fulton & Norman, D. John Travis and Gary L.
Nicholson*, for appellee and cross-appellant Farmers Insurance of Columbus, Inc.

Davis & Young and Henry A. Hentemann, for appellee and cross-appellant
State Farm Mutual Automobile Insurance Company.

Betty D. Montgomery, Attorney General, and *Sharon A. Jennings*, Assistant
Attorney General, urging affirmance for *amicus curiae* Ohio Attorney General, in
case No. 98-2110.

SUPREME COURT OF OHIO

{¶ 1} The court hereby, *sua sponte*, consolidates these two cases for disposition.

{¶ 2} The judgments of the court of appeals are affirmed to the extent they vacated the default judgments. The causes are remanded to the trial court with instructions to permit plaintiffs to serve the Attorney General in accordance with R.C. 2721.12 and *Cicco v. Stockmaster* (2000), 89 Ohio St.3d 95, 728 N.E.2d 1066.

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

DOUGLAS, J., concurs in judgment.

PFEIFER and COOK, JJ., dissent.

DOUGLAS, J., concurring in judgment only.

{¶ 3} While I agree with the ultimate resolution, I do not subscribe to the majority's reliance on *Cicco v. Stockmaster* (2000), 89 Ohio St.3d 95, 728 N.E.2d 1066, in disposing of this matter. I believe that *Cicco* was not properly decided and, accordingly, I continue to adhere to my dissent therein.
