

YOH, ADMR., APPELLANT, v. SCHLACHTER ET AL., APPELLEES.

[Cite as *Yoh v. Schlachter*, 2001-Ohio-183.]

*Workers' compensation—Subrogation right of statutory subrogee against third party—Court of appeals' judgment reversed and cause remanded to trial court for further proceedings on authority of *Holeton v. Crouse Cartage Co.**

(No. 00-824—Submitted June 20, 2001—Decided July 11, 2001.)

APPEAL from the Court of Appeals for Williams County, No. WM-99-008.

{¶ 1} The judgment of the court of appeals is reversed, and the cause is remanded to the trial court for further proceedings on the authority of *Holeton v. Crouse Cartage Co.* (2001), 92 Ohio St.3d 115, 748 N.E.2d 1111.

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

COOK, J., dissents.

LUNDBERG STRATTON, J., dissents.

RESNICK, J., not participating.

LUNDBERG STRATTON, J., dissenting.

{¶ 2} I respectfully dissent for the reasons set forth in the dissenting opinions of Chief Justice Moyer and Justice Cook in *Holeton v. Crouse Cartage Co.* (2001), 92 Ohio St.3d 115, 135-142, 748 N.E.2d 1111, 1128-1135.

Shumaker, Loop & Kendrick, L.L.P., and *Jack G. Fynes*, for appellant.

Millisor & Nobil Co., L.P.A., *Michael J. Reidy* and *Jill C. Boland*, for appellee.
