

**MILLONZI, APPELLEE, v. PERRAM ELECTRIC, INC., ET AL., APPELLANTS.**

**[Cite as *Millonzi v. Perram Elec., Inc.*, 100 Ohio St.3d 67, 2003-Ohio-5030.]**

*Civil procedure — Court’s ruling on motion for summary judgment — Court of appeals’ judgment reversed on authority of Hooten v. Safe Auto. Ins. Co., and cause remanded to court of appeals for further consideration.*

(Nos. 2003-0321 and 2003-0324 — Submitted September 17, 2003 — Decided October 8, 2003.)

APPEAL from and CERTIFIED by the Court of Appeals for Lake County, Nos. 2001-L-109, 2001-L-110 and 2001-L-111, 2002-Ohio-7340.

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{¶1} Sua sponte, the judgment of the court of appeals is summarily reversed on the authority of *Hooten v. Safe Auto. Ins. Co.*, 100 Ohio St.3d 8, 2003-Ohio-4829, 795 N.E.2d 648. The cause is remanded to the court of appeals for further consideration.

MOYER, C.J., RESNICK, F.E. SWEENEY, PFEIFER, LUNDBERG STRATTON and O’CONNOR, JJ., concur.

O’DONNELL, J., not participating.

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Gallagher, Sharp, Fulton & Norman, Timothy J. Fitzgerald, Patrick M. Foy and Richard C.O. Rezie, for appellant city of Mentor.

Weston, Hurd, Fallon, Paisley & Howley, L.L.P., Shawn W. Maestle and Walter R. Matchinga, for appellant Perram Electric, Inc.

Baker & Hackenberg Co., L.P.A., I. James Hackenberg and Joseph P. Szeman, for appellants Major Waste Disposal Services, Inc. and John M. Parinish Jr. in case No. 2003-0324.

SUPREME COURT OF OHIO

Tucker, Ellis & West, L.L.P., and Irene C. Keyse-Walker, for appellant  
JTO, Inc. in case No. 2003-0324.

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