

STARKS, APPELLEE, v. FEDERAL INSURANCE COMPANY ET AL., APPELLANTS.

[Cite as *Starks v. Fed. Ins. Co.*, 102 Ohio St.3d 91, 2004-Ohio-1998.]

Discretionary appeal accepted — Court of appeals' judgment reversed and cause remanded on authority of Westfield Ins. Co. v. Galatis.

(No. 2003-1742 — Submitted March 15, 2004 — Decided May 5, 2004.)

APPEAL from the Court of Appeals for Stark County, No. 2003CA00102, 2003-Ohio-4383.

{¶1} The discretionary appeal is accepted.

{¶2} The judgment of the court of appeals is reversed and the cause is remanded to the trial court on the authority of *Westfield Ins. Co. v. Galatis*, 100 Ohio St.3d 216, 2003-Ohio-5849, 797 N.E.2d 1256.

MOYER, C.J., LUNDBERG STRATTON, O'CONNOR and O'DONNELL, JJ., concur.

RESNICK, F.E. SWEENEY and PFEIFER, JJ., dissent.

John S. Coury, for appellee.

Gallagher, Sharp, Fulton & Norman, Jay Clinton Rice and Richard C.O. Rezie, for appellant Federal Insurance Company.

Ulmer & Berne, L.L.P., Thomas L. Rosenberg and Carl A. Anthony, for appellant Regent Insurance Company.
