

**GRIFFITH, APPELLANT AND CROSS-APPELLEE, v. BUCKEYE UNION INSURANCE
COMPANY ET AL., APPELLEES AND CROSS-APPELLANTS.**

**[Cite as *Griffith v. Buckeye Union Ins. Co.*, 101 Ohio St.3d 98, 2004-Ohio-
202.]**

*Discretionary appeal denied — Cross-appeal accepted — Cross-appeal reversed
on authority of Westfield Ins. Co. v. Galatis.*

(No. 2003-1536 — Submitted December 1, 2003 — Decided February 4, 2004.)

APPEAL and CROSS-APPEAL from the Court of Appeals for Stark County, No.
2001CA00410, 2003-Ohio-3799.

{¶1} The discretionary appeal is denied.

{¶2} The cross-appeal is accepted.

{¶3} That portion of the judgment of the court of appeals that is the
subject of the cross-appeal is reversed 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 appellant and cross-appellee.

Gallagher, Sharp, Fulton & Norman, Timothy J. Fitzgerald, John T.
Murphy and Richard C.O. Rezie, for appellees and cross-appellants Buckeye
Union Insurance Company and CNA Insurance Company.
