

**BURCHARD ET AL., APPELLEES, v. NATIONWIDE AGRIBUSINESS INSURANCE
COMPANY, APPELLANT.**

**[Cite as *Burchard v. Nationwide Agribusiness Ins. Co.*, 101 Ohio St.3d 62,
2004-Ohio-5.]**

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

(No. 2003-1683 — Submitted December 1, 2003 — Decided January 14, 2004.)

APPEAL from the Court of Appeals for Medina County, No. 03CA0007-M, 2003-
Ohio-4147.

{¶1} The discretionary appeal is allowed.

{¶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.

Apicella & Trapp, F.M. Apicella and Mary Jane Trapp, for appellees.

Williams, Sennett & Scully Co., L.P.A., James A. Sennett and Deitri E.
Villarreal, for appellant.
