

**RYAN, APPELLEE, v. DOLIN ET AL.; LUMBERMENS MUTUAL CASUALTY  
COMPANY, APPELLANT.**

**[Cite as *Ryan v. Dolin*, 101 Ohio St.3d 204, 2004-Ohio-713.]**

*Motion for reconsideration granted — Court of appeals’ judgment reversed and  
cause remanded to trial court for application of Westfield Ins. Co. v.  
Galatis.*

(No. 2003-1343 — Submitted December 15, 2003 — Decided March 3, 2004.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 81689, 2003-Ohio-  
2738.

ON MOTION FOR RECONSIDERATION.

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{¶1} The motion for this court to reconsider its judgment entry and decision in *In re Uninsured & Underinsured Motorist Coverage Cases*, 100 Ohio St.3d 302, 2003-Ohio-5888, 798 N.E.2d 1077, ¶ 83, is granted.

{¶2} The judgment of the court of appeals is reversed. The cause is remanded to the trial court for the application 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.

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Nurenberg, Plevin, Heller & McCarthy Co., L.P.A., Kathleen J. St. John  
and Leon M. Plevin, for appellee.

Robert W. Kerpsack Co., L.P.A., and Robert W. Kerpsack, urging  
reconsideration for amicus curiae Bruce J. German.

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