

**WILSON, APPELLEE AND CROSS-APPELLANT, v. HAIMERL ET AL.; UNIVERSAL  
UNDERWRITERS INSURANCE COMPANY, APPELLANT AND CROSS-APPELLEE.**

**[Cite as *Wilson v. Haimerl*, 101 Ohio St.3d 1230, 2004-Ohio-736.]**

*Motion for reconsideration denied.*

(No. 2003-1744 — Submitted February 3, 2004 — Decided March 3, 2004.)

APPEAL and CROSS-APPEAL from the Court of Appeals for Madison County, No.

CA2002-08-019, 2003-Ohio4334.

ON MOTION FOR RECONSIDERATION.

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**{¶1}** The motion for this court to reconsider its judgment entry in *Wilson v. Haimerl*, 100 Ohio St.3d 1544, 2003-Ohio-6879, 800 N.E.2d 750, is denied.

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

LUNDBERG STRATTON, J., concurs separately.

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**LUNDBERG STRATTON, J., concurring.**

**{¶2}** I concur with the decision to deny reconsideration. However, as I stated in my concurring opinion in *Fish v. Ohio Cas. Ins. Co.*, 101 Ohio St.3d 1210, 2004-Ohio-224, 802 N.E.2d 149, I believe that *Westfield Ins. Co. v. Galatis*, 100 Ohio St.3d 216, 2003-Ohio-5849, 797 N.E.2d 1256, applies to all pending cases where a claim has been raised under *Scott-Pontzer v. Liberty Mut. Fire Ins. Co.* (1999), 85 Ohio St.3d 660, 710 N.E.2d 1116. Here, the appellate court has remanded the claim against Universal Underwriters Insurance Company to the trial court for further proceedings. These proceedings should include application of *Galatis*.

SUPREME COURT OF OHIO

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Clark, Perdue, Roberts & Scott and Glen R. Pritchard, for appellee and cross-appellant.

Buckley King, L.P.A., and Thomas I. Blackburn, for appellant and cross-appellee.

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