

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

May 2, 2005

[Cite as *05/02/2005 Case Announcements*, 2005-Ohio-2024.]

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### MOTION AND PROCEDURAL RULINGS

#### **2005-0457. Sheaffer v. Westfield Ins. Co.**

Holmes App. No. 03CA006, 2004-Ohio-6755. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated in the court of appeals' Judgment Entry filed March 4, 2005:

“Whether a judgment for damages entered following application of and based on entitlement to UM/UIM benefits under R.C. 3937.18 precludes retrospective application of a decision by the Ohio Supreme Court changing the relevant law where the Ohio Supreme Court issued the subject decision after the trial court entered the judgment for damages but before the 30 day time to appeal from the trial court's judgment ran.”

Moyer, C.J., Resnick and Pfeifer, JJ., dissent.

The conflict case is *Adams v. Osterman*, Franklin App. No. 03AP-547, 2004-Ohio-1412.

Sua sponte, cause consolidated with 2005-0078, *Sheaffer v. Westfield Ins. Co.*, Holmes App. No. 03CA006, 2004-Ohio-6755.

### APPEALS ACCEPTED FOR REVIEW

#### **2005-0078. Sheaffer v. Westfield Ins. Co.**

Holmes App. No. 03CA006, 2004-Ohio-6755. Discretionary appeal accepted and cause consolidated with 2005-0457, *Sheaffer v. Westfield Ins. Co.*, Holmes App. No. 03CA006, 2004-Ohio-6755.

Lundberg Stratton and O'Donnell, JJ., would also reverse the judgment of the court of appeals on the authority of *Hopkins v. Dyer*, 104 Ohio St.3d 461, 2004-Ohio-6769, 820 N.E.2d 329.

Resnick, Pfeifer and Lanzinger, JJ., dissent.