

**WACHOVIA NATIONAL BANK OF DELAWARE, N.A., F.K.A FIRST UNION
NATIONAL BANK OF DELAWARE, APPELLEE, v. MAENLE ET AL., APPELLANTS.**

**[Cite as *Wachovia Natl. Bank of Delaware, N.A. v. Maenle*,
110 Ohio St.3d 1240, 2006-Ohio-3820.]**

Appeal dismissed as improvidently accepted.

(No. 2005-1635 — Submitted June 6, 2006 — Decided August 9, 2006.)

APPEAL from the Court of Appeals for Huron County,
No. H-04-036, 162 Ohio App.3d 479, 2005-Ohio-4021.

{¶ 1} The cause is dismissed, sua sponte, as having been improvidently accepted.

{¶ 2} The court orders that the opinion of the court of appeals may not be cited as authority except by the parties inter se.

MOYER, C.J., RESNICK, LUNDBERG STRATTON, O’CONNOR, O’DONNELL
and LANZINGER, JJ., concur.

PFEIFER, J., dissents.

PFEIFER, J., dissenting.

{¶ 3} I would reverse the decision of the court of appeals and reinstate the decision of the trial court. I would base my decision on R.C. 2317.02, which governs privileged communications, not on *Hearn v. Rhay* (E.D.Wash.1975), 68 F.R.D. 574. I dissent.

McGlinchey Stafford, P.L.L.C., James S. Wertheim, and Kimberly Y.
Smith Rivera, for appellee Wachovia National Bank of Delaware, N.A.

SUPREME COURT OF OHIO

James J. Martin Co., L.P.A., and James J. Martin; and Joseph A Zannieri, for appellants.

Russell V. Leffler, Huron County Prosecuting Attorney, and Dina Shenker, Assistant Prosecuting Attorney, for appellee Huron County Treasurer.

K. Ronald Bailey & Associates Co., L.P.A., and K. Ronald Bailey, urging reversal for amicus curiae Ohio Association of Criminal Defense Lawyers.

Lynch & White and Richard S. Lynch, urging reversal for amicus curiae Richard S. Lynch.

Buckingham, Lucal, McGookey & Zeiher Co., L.P.A., and John R. Ball, urging reversal for amicus curiae John R. Ball.
