

HEMBREE, APPELLEE, v. MENDENHALL, EXR., APPELLANT, ET AL.

[Cite as *Hembree v. Mendenhall*, 116 Ohio St.3d 402, 2008-Ohio-1.]

*R.C. 2305.19 – Court of appeals’ judgment affirmed on the authority of
Vitantonio, Inc. v. Baxter.*

(No. 2007-0516 — Submitted November 28, 2007 — Decided January 3, 2008.)

APPEAL from the Court of Appeals for Butler County,

No. CA2006-06-129, 2007-Ohio-459.

{¶ 1} The judgment of the court of appeals is affirmed on the authority of *Vitantonio, Inc. v. Baxter*, 116 Ohio St.3d 195, 2007-Ohio-6052, 877 N.E.2d 663.

MOYER, C.J., and PFEIFER, O’CONNOR, LANZINGER, and CUPP, JJ., concur.

LUNDBERG STRATTON and O’DONNELL, JJ., dissent for the reasons stated in the dissenting opinion of O’DONNELL, J., in *Vitantonio, Inc. v. Baxter*.

John W. Herr, for appellant.
