

THE CITY OF ZANESVILLE, APPELLANT, v. ROUSE, APPELLEE.

[Cite as *Zanesville v. Rouse*, 126 Ohio St.3d 1227, 2010-Ohio-3754.]

Motion for reconsideration granted in part, judgment reinstating the judgment of the trial court vacated, and cause remanded to the court of appeals.

(No. 2009-1282 — Submitted August 10, 2010 — Decided August 17, 2010.)

APPEAL from the Court of Appeals for Muskingum County,

No. CT08-0035, 2009-Ohio-2689.

ON MOTION FOR RECONSIDERATION

{¶ 1} On May 26, 2010, the court reversed the judgment of the court of appeals in this case and reinstated the judgment of the trial court. *Zanesville v. Rouse*, 126 Ohio St.3d 1, 2010-Ohio-2218, 929 N.E.2d 1044.

{¶ 2} Appellee filed a motion for reconsideration, arguing in part that the court of appeals did not consider several assignments of error raised by appellee.

{¶ 3} The motion for reconsideration is granted to the following extent: The portion of the court’s May 26, 2010 judgment reinstating the judgment of the trial court is vacated, and the cause is remanded to the court of appeals for consideration of appellee’s assignments of error held to be moot below.

BROWN, C.J., and LUNDBERG STRATTON, O’CONNOR, O’DONNELL, LANZINGER, and CUPP, JJ., concur.

PFEIFER, J., dissents.

Scott T. Hillis, Zanesville Law Director, and Susan E. Small, Assistant Law Director, for appellant.

Elizabeth N. Gaba and David T. Spencer, for appellee.
