

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *McClellan v. McGary*, Slip Opinion No. 2020-Ohio-6762.]

NOTICE

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SLIP OPINION NO. 2020-OHIO-6762

MCCLELLAN ET AL., APPELLEES, v. MCGARY ET AL., APPELLANTS.

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *McClellan v. McGary*, Slip Opinion No. 2020-Ohio-6762.]

Court of appeals' judgment affirmed on the authority of West v. Bode.

(No. 2020-0589—Submitted December 15, 2020—Decided December 29, 2020.)

APPEAL from the Court of Appeals for Monroe County,

No. 19 MO 0018, 2020-Ohio-1109.

{¶ 1} The judgment of the court of appeals is affirmed on the authority of *West v. Bode*, ___ Ohio St.3d ___, 2020-Ohio-5473, ___ N.E.3d ___.

O'CONNOR, C.J., and FRENCH, FISCHER, DEWINE, and STEWART, JJ., concur.

KENNEDY and DONNELLY, JJ., dissent and would reverse the judgment of the court of appeals.

SUPREME COURT OF OHIO

Yoss Law Office, L.L.C., and Ryan M. Regel, for appellees, Gary McClellan and Jerry McClellan.

Critchfield, Critchfield & Johnson, Ltd., and Andrew P. Lycans, for appellants, Marian McGary (a.k.a. Marion McGary), Larry McGary, Richard Clegg, Donna L. Craig, Terry L. Craig, Karen McKelvey, Kenneth McKelvey, Robert D. Clegg, Connie Waltz, Margret H. Clegg, Marcia L. Clegg, Cindy Gordon, Paul E. Gordon (a.k.a. Paul E. Gordon Jr.), Jeff Clegg, Roger K. Rufener, and Janet Lee Deal.
