

Released 10/26/00 - Please attach to Judge Grey's opinion.

NOEL V. GRIBBEN - Pickaway App. No. 99CA36 & 00CA02

Harsha, J., concurring in judgment only:

I agree with the principal opinion that the trial court enunciated the wrong legal standard in its entry, and accordingly, we must reverse that judgment. However, I am not convinced that if the proper standard were applied, this case would survive summary judgment. Thus, I concur in judgment only.