

**\*\*\*Please see original opinion at *Laurel Valley Oil Co. v. 76 Lubricants Co.*, 2003-Ohio-5163.\*\*\***

THIS IS TO CLARIFY THE OPINION ORIGINALLY FILED 9/26/03  
IN THE COURT OF APPEALS FOR TUSCARAWAS COUNTY, OHIO  
FIFTH APPELLATE DISTRICT

LAUREL VALLEY OIL CO.	:	
	:	
Plaintiff-Appellant	:	
	:	
	:	
-vs-	:	JUDGMENT ENTRY
	:	
	:	
76 LUBRICANTS CO., ET AL	:	
	:	
Defendant-Appellees	:	CASE NO. 2003AP020017

{¶1} This cause comes before us upon Appellant’s Motion for Clarification and Reconsideration or in the Alternative Certification of Conflict.

{¶2} Our opinion states that only Appellant's action against Richard Dunn is viable. We clarify our opinion, therefore, that we have sustained the second assignment of error only as to Richard Dunn.

**{¶3}** Appellant's Motion for Reconsideration is overruled.

{¶4} We further find our opinion is not in conflict with that of the Ninth District in *Gosden v. Louis* (1996) 1116 Ohio App. 3d 195. *Gosden* is factually distinguishable.

**{¶5}** The motion to certify conflict is overruled.

**{¶6}** IT IS SO ORDERED.

## JUDGES