

[Cite as *Grulich v. The Hartford*, 2003-Ohio-652.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 80987

DAVID P. GRUELICH

Plaintiff-Appellant :

vs.

THE HARTFORD

Defendant-Appellee:

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:
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JOURNAL ENTRY

and

OPINION

DATE OF ANNOUNCEMENT
OF DECISION:

February 7, 2003

CHARACTER OF PROCEEDING:

Civil appeal from
Court of Common Pleas
Case No. CV-444726

JUDGMENT:

REVERSED AND REMANDED

DATE OF JOURNALIZATION:

APPEARANCES:

For Plaintiff-Appellant:

W. CRAIG BASHEIN
Bashein & Bashein Co., L.P.A.
55 Public Square
Cleveland, Ohio 44113

PAUL W. FLOWERS

Paul W. Flowers Co., L.P.A.
55 Public Square
Cleveland, Ohio 44113

For Defendant-Appellee:

RICHARD M. GARNER
Davis & Young, L.P.A.
101 Prospect Avenue, West
Cleveland, Ohio 44115-1027

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA
GERALD E. FUERST, CLERK OF COURTS

DAVID P. GRUELICH	:		
	:	COA NO.	LOWER COURT NO.
Appellant	:	80987	CP CV-444726
	:		
-vs-	:	COURT OF COMMON PLEAS	
	:		
THE HARTFORD	:		
	:		
Appellee	:	MOTION NO. 344888	

Date: February 7, 2003

JOURNAL ENTRY

{¶1} MOTION BY APPELLANT FOR RECONSIDERATION IS GRANTED. IN LIGHT OF THE OHIO SUPREME COURT'S DECISION IN FERRANDO V. AUTO-OWNERS MUTUAL INSURANCE COMPANY, 98 OHIO ST.3D 186, 2002-Ohio-7217, WE HEREBY REVERSE AND REMAND THE WITHIN CASE FOR CONSIDERATION OF THE ISSUE OF PREJUDICE. AS THE COURT STATED IN FERRANDO, THE INSURED BEARS THE BURDEN OF PRESENTING EVIDENCE TO REBUT A PRESUMPTION OF PREJUDICE.

{¶2} IT IS ORDERED THAT APPELLANT RECOVER OF APPELLEE HIS COSTS HEREIN TAXED.

{¶3} THE COURT FINDS THERE WERE REASONABLE GROUNDS FOR THIS APPEAL.

{¶4} IT IS ORDERED THAT A SPECIAL MANDATE ISSUE OUT OF THIS COURT DIRECTING THE CUYAHOGA COUNTY COURT OF COMMON PLEAS TO CARRY THIS JUDGMENT INTO EXECUTION.

{¶5} A CERTIFIED COPY OF THIS ENTRY SHALL CONSTITUTE THE MANDATE PURSUANT TO RULE 27 OF THE RULES OF APPELLATE PROCEDURE.

JAMES D. SWEENEY, P.J. CONCURS

PATRICIA ANN BLACKMON, J. CONCURS

COLLEEN CONWAY COONEY
JUDGE