

**PREFERRED CAPITAL, INC., APPELLEE, v. WHEATON  
TRENCHING, INC., APPELLANT.**

**[Cite as *Preferred Capital, Inc. v. Wheaton Trenching, Inc.*,  
112 Ohio St.3d 505, 2007-Ohio-518.]**

*Floating forum-selection clause — Court of appeals' judgment reversed on the  
authority of Preferred Capital, Inc. v. Power Engineering Group, Inc., and  
cause remanded to trial court to enter an order of dismissal.*

(No. 2006-0912 — Submitted January 24, 2007 — Decided February 21, 2007.)

APPEAL from the Court of Appeals for Summit County,  
No. 22995, 2006-Ohio-1554.

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{¶ 1} The judgment of the court of appeals is reversed on the authority of *Preferred Capital, Inc. v. Power Engineering Group, Inc.*, 112 Ohio St.3d 429, 2007-Ohio-257, 860 N.E.2d 741, and the cause is remanded to the trial court with instructions to enter an order of dismissal for lack of personal jurisdiction.

MOYER, C.J., PFEIFER, O'CONNOR and O'DONNELL, JJ., concur.

LUNDBERG STRATTON and LANZINGER, JJ., dissent.

CUPP, J., not participating.

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**LUNDBERG STRATTON, J., dissenting.**

{¶ 2} I respectfully dissent based on the reasoning set forth in my dissenting opinion in *Preferred Capital, Inc. v. Power Engineering Group, Inc.*, 112 Ohio St.3d 429, 2007-Ohio-257, 860 N.E.2d 741.

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SUPREME COURT OF OHIO

Roderick Linton, L.L.P., Tamara A. O'Brien, and Jason E. Hickman, for  
appellee.

Mark S. Shearer, for appellant.

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