

[Cite as *Feazel v. Mills*, 123 Ohio St.3d 240, 2009-Ohio-5257.]

**FEAZEL ET AL., APPELLEES, v. MILLS ET AL; STATE FARM MUTUAL
AUTOMOBILE INSURANCE COMPANY, APPELLANT.**

[Cite as *Feazel v. Mills*, 123 Ohio St.3d 240, 2009-Ohio-5257.]

Discretionary appeal accepted, court of appeals' judgment vacated on the authority of Walburn v. Dunlap, and cause remanded to apply Walburn v. Dunlap.

(No. 2009-0949 — Submitted September 1, 2009 — Decided October 6, 2009.)

APPEAL from the Court of Appeals for Butler County, Nos. CA2009-02-063 and CA2009-03-091.

{¶ 1} The discretionary appeal is accepted.

{¶ 2} The judgment of the court of appeals issued on April 9, 2009 dismissing the appeal below is vacated on the authority of *Walburn v. Dunlap*, 121 Ohio St.3d 373, 2009-Ohio-1221, 904 N.E.2d 863, and the cause is remanded to the court of appeals to apply *Walburn v. Dunlap*.

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

LANZINGER, J., dissents.

Gallagher, Gams, Pryor, Tallan & Littrell, L.L.P., and James R. Gallagher, for appellant.
