

[Cite as *Fleming v. A.A.S. Serv., Inc.*, 126 Ohio St.3d 108, 2010-Ohio-3132.]

FLEMING ET AL., APPELLEES, v. A.A.S. SERVICE, INC., APPELLANT, ET AL.

[Cite as *Fleming v. A.A.S. Serv., Inc.*, 126 Ohio St.3d 108, 2010-Ohio-3132.]

Court of appeals' judgment reversed on the authority of Kaminski v. Metal & Wire Prods. Co. and Stetter v. R.J. Corman Derailment Servs., L.L.C., and judgment of the trial court reinstated.

(No. 2008-1852 — Submitted March 31, 2010 — Decided July 8, 2010.)

APPEAL from the Court of Appeals for Portage County, No. 2007-P-0071,
177 Ohio App.3d 778, 2008-Ohio-3908.

{¶ 1} The judgment of the court of appeals is reversed on the authority of *Kaminski v. Metal & Wire Prods. Co.*, 125 Ohio St.3d 250, 2010-Ohio-1027, 927 N.E.2d 1066, and *Stetter v. R.J. Corman Derailment Servs., L.L.C.*, 125 Ohio St.3d 280, 2010-Ohio-1029, 927 N.E.2d 1092, and the judgment of the trial court is reinstated.

LUNDBERG STRATTON, O'CONNOR, O'DONNELL, LANZINGER, and CUPP, JJ., concur.

PFEIFER, J., dissents for the reasons stated in his dissenting opinions in *Kaminski v. Metal & Wire Prods. Co.* and *Stetter v. R.J. Corman Derailment Servs.*

BROWN, C.J., not participating.

James J. Gutbrod, for appellees.

Pelini, Campbell, Williams & Traub, L.L.C., Craig G. Pelini, and Kristen E. Campbell, for appellant.
