

[Cite as *Klaus v. United Equity, Inc.*, 125 Ohio St.3d 279, 2010-Ohio-1014.]

KLAUS, APPELLEE, v. UNITED EQUITY, INC., APPELLANT.

[Cite as *Klaus v. United Equity, Inc.*, 125 Ohio St.3d 279, 2010-Ohio-1014.]

Court of appeals' judgment reversed, and cause remanded to the court of appeals to apply Kaminski v. Metal & Wire Prods. Co. and Stetter v. R.J. Corman Derailment Servs., L.L.C.

(No. 2008-0894 — Submitted February 18, 2009 — Decided March 23, 2010.)

APPEAL from the Court of Appeals for Allen County,

No. 1-07-63, 2008-Ohio-1344.

{¶ 1} The judgment of the court of appeals is reversed, and the cause is remanded to the court of appeals to apply *Kaminski v. Metal & Wire Prods. Co.*, 125 Ohio St.3d 250, 2010-Ohio-1027, ___ N.E.2d ___, and *Stetter v. R.J. Corman Derailment Servs., L.L.C.*, 125 Ohio St.3d 280, 2010-Ohio-1029, ___ N.E.2d ___.

MOYER, C.J., and 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., L.L.C.*

Rumer & Maisch Co., L.L.C., Victoria U. Maisch, and Michael A. Rumer, for appellee.

Ulmer & Berne, L.L.P., Brian N. Ramm, and Elizabeth A. Harvey; and Borgstahl & Zychowicz, Ltd., and Michael J. Zychowicz, for appellant.
