

EISENBARTH ET AL., APPELLANTS, v. REUSSER ET AL., APPELLEES.

[Cite as *Eisenbarth v. Reusser*, 150 Ohio St.3d 342, 2016-Ohio-5819.]

Court of appeals' judgment affirmed on the authority of Corban v. Chesapeake Exploration, L.L.C.

(No. 2014-1767—Submitted November 17, 2015—Decided September 15, 2016.)

APPEAL from the Court of Appeals for Monroe County,

No. 13 MO 10, 2014-Ohio-3792.

{¶ 1} The judgment of the court of appeals is affirmed on the authority of *Corban v. Chesapeake Exploration, L.L.C.*, 149 Ohio St.3d 512, 2016-Ohio-5796, 76 N.E.3d 1089.

O'CONNOR, C.J., and O'DONNELL, LANZINGER, KENNEDY, and FRENCH, JJ., concur.

PFEIFER and O'NEILL, JJ., dissent.

Yoss Law Office and Richard A. Yoss, for appellants.

Bricker & Eckler, L.L.P., Matthew W. Warnock, Daniel C. Gibson, Daniel E. Gerken, and Aaron M. Bruggeman, for appellees.

Michael DeWine, Attorney General, Eric E. Murphy, State Solicitor, Samuel C. Peterson, Deputy Solicitor, and Elizabeth R. Ewing, Assistant Attorney General, urging reversal for amicus curiae state of Ohio.

Porter, Wright, Morris & Arthur, L.L.P., Mark S. Stemm, L. Bradfield Hughes, and Christopher J. Baronzzi, urging reversal for amicus curiae Murray Energy Corporation.

Theisen Brock, L.P.A., James S. Huggins, Daniel P. Corcoran, and Kristopher O. Justice, urging reversal for amici curiae Virgil Clayton Farnsworth,

SUPREME COURT OF OHIO

Teresa Farnsworth, August Scarpelli, Gary D. Skorepa, Andrew D. Fabris, David L. Mount, Michael D. Mayell, William E. Chapman, Richard A. Gareau, Robert W. Gareau, Pete Ragone, Gregory J. Christy, and Carol E. Christy.

Baker, Dublikar, Beck, Wiley & Mathews and James F. Mathews; and Robert J. Tscholl, urging reversal for amici curiae Charles J. Schucht, Wilma L. Schucht, Theresa E. Schucht, and the Schucht Family Trust U/A Dated April 2, 2013.

Krugliak, Wilkins, Griffiths & Dougherty Co., L.P.A., Gregory W. Watts, Matthew W. Onest, David E. Butz, and William G. Williams, urging reversal for amici curiae Jeffco Resources, Inc.; Mark and Kathy Rastetter; Douglas Henderson; Djuro and Vesna Kovacic; Brett and Kim Trissel; John Yaskanich; Barbara L. Miller; Jeffrey V. Miller; Jerilyn E. Christensen and Kjeld F. Christensen, Co-Trustees of the Kjeld F. Christensen Revocable Trust Dated September 25, 2012, and the Jerilyn E. Christensen Revocable Trust Dated September 25, 2012; Ralph and Sharley Greer; Antonio and Connie Sidoti; and Aaron Escott.