

The Supreme Court of Ohio

FILED

MAR 03 2010

CLERK OF COURT

SUPREME COURT OF OHIO

Westfield Insurance Company

Case No. 2010-0024

v.

ENTRY

Michael Hunter et al.

This cause is pending before the Court on the certification of a conflict by the Court of Appeals for Butler County. On review of the order certifying a conflict,

It is determined that a conflict exists. The parties are to brief the issue stated at page 2 of the court of appeals' Entry filed December 8, 2009, as follows:

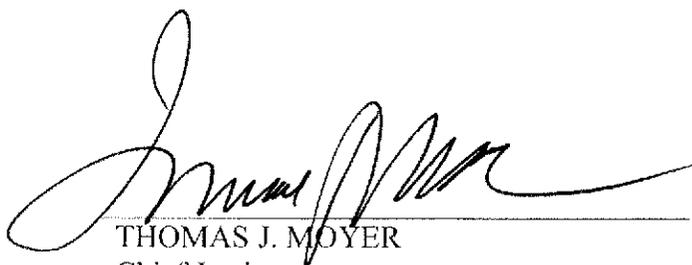
“When construing an insurance policy exclusion, does an injury 'arise out' of a premises only if some dangerous condition exists on the premises that caused or contributed to the injury, or must the injury only originate in or have a causal connection with the premises?”

It is ordered by the Court, sua sponte, that this cause is consolidated with Supreme Court Case No. 2009-2214, *Whitfield Ins. Co. v. Hunter*.

It is further ordered by the Court that the briefing in Case Nos. 2010-0024 and 2009-2214 shall be consolidated. The parties shall file two originals of each of the briefs permitted under S.Ct. Prac. R. 6.2-6.4 and include both case numbers on the cover page of the briefs. The parties shall otherwise comply with the requirements of S.Ct. Prac. R. 6.1-6.4.

It is ordered by the Court that the Clerk shall issue an order for the transmittal of the record from the Court of Appeals for Butler County.

(Butler County Court of Appeals; Nos. CA200905134 and CA200906157)



THOMAS J. MOYER
Chief Justice