

# The Supreme Court of Ohio

FILED

SEP 29 2010

CLERK OF COURT  
SUPREME COURT OF OHIO

David Ward

Case No. 2010-1275

v.

ENTRY

United Foundries, Inc.

v.

Gulf Underwriters Insurance Company

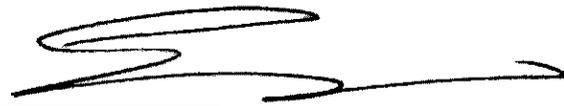
This cause is pending before the Court on the certification of a conflict by the Court of Appeals for Stark County. On review of the order certifying a conflict,

It is determined that a conflict exists. The parties are to brief the issue stated in the court of appeals' Judgment Entry filed June 23, 2010, as follows:

"Whether an exclusion in a commercial general liability insurance policy and/or stop gap endorsement form, stating the insurance does not apply to "bodily injury intentionally caused or aggravated by you, or bodily injury resulting from an act which is determined to have been committed by you with the belief that an injury is substantially certain to occur" requires a final determination made by either a judge or a jury before the defense of a claim for a substantial certainty employer intentional tort can be denied."

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 Stark County.

(Stark County Court of Appeals; No. 2009CA0019)



ERIC BROWN  
Chief Justice