

[Cite as *State ex rel. Vazquez v. Cuyahoga Cty. Court of Common Pleas*, 121 Ohio St.3d 358, 2009-Ohio-1498.]

**THE STATE EX REL. VAZQUEZ, APPELLANT, v. CUYAHOGA COUNTY COURT OF  
COMMON PLEAS ET AL., APPELLEES.**

[Cite as *State ex rel. Vazquez v. Cuyahoga Cty. Court of Common Pleas*,  
121 Ohio St.3d 358, 2009-Ohio-1498.]

*Judgment of the court of appeals reversed and writ of prohibition granted.*

(No. 2007-2383 — Submitted March 25, 2009 — Decided April 7, 2009.)

APPEAL from the Court of Appeals for Cuyahoga County,

No. 90755, 2007-Ohio-6629.

---

{¶ 1} The judgment of the court of appeals is reversed on the authority of *Thorton v. Montville Plastics & Rubber, Inc.*, 121 Ohio St.3d 124, 2009-Ohio-360, 902 N.E.2d 482, and a writ of prohibition preventing appellees from proceeding on appellant's dismissed complaint is granted.

MOYER, C.J., and PFEIFER, O'CONNOR, LANZINGER, and CUPP, JJ., concur.

LUNDBERG STRATTON and O'DONNELL, JJ., dissent for the reasons stated in the dissenting opinion in *Thorton v. Montville Plastics & Rubber, Inc.*, 121 Ohio St.3d 124, 2009-Ohio-360, 902 N.E.2d 482.

---

Shapiro, Marnecheck & Reimer, Philip A. Marnecheck, and Matthew A. Palnik, for appellant.

William D. Mason, Cuyahoga County Prosecuting Attorney, and Frederick W. Whatley, Assistant Prosecuting Attorney, for appellees.

Richard Cordray, Attorney General, Benjamin C. Mizer, Solicitor General, and Elise Porter, Assistant Solicitor, urging reversal for amicus curiae, state of Ohio.

---