

[Cite as *Buckley v. Wintering*, 101 Ohio St.3d , 2004-Ohio-199.]

**BUCKLEY, APPELLEE, v. WINTERING ET AL.; AMERICAN CASUALTY COMPANY
OF READING, PENNSYLVANIA, APPELLANT.**

[Cite as *Buckley v. Wintering*, 101 Ohio St.3d 96, 2004-Ohio-199.]

*Motion for reconsideration granted — Court of appeals' February 25, 2003
judgment vacated — Court of appeals' December 17, 2002 judgment
affirmed on authority of Westfield Ins. Co. v. Galatis.*

(No. 2003-0641 — Submitted December 15, 2003 — Decided February 4, 2004.)

APPEAL from the Court of Appeals for Franklin County, No. 02AP-511, 2003-
Ohio-824.

ON MOTION FOR RECONSIDERATION.

{¶1} The motion for reconsideration of the judgment of November 5, 2003, found at 100 Ohio St.3d 302, 2003-Ohio-5888, 798 N.E.2d 1077, is granted.

{¶2} The court of appeals' February 25, 2003 judgment is vacated.

{¶3} The court of appeals' December 17, 2002 judgment is affirmed on the authority of *Westfield Ins. Co. v. Galatis*, 100 Ohio St.3d 216, 2003-Ohio-5849, 797 N.E.2d 1256.

MOYER, C.J., LUNDBERG STRATTON, O'CONNOR and O'DONNELL, JJ.,
concur.

RESNICK, F.E. SWEENEY and PFEIFER, JJ., dissent.

Lamkin, Van Eman, Trimble, Beals & Dougherty, Thomas W. Trimble
and John A. Federico, for appellee Nancie E. Buckley.

Keener, Doucher, Curley & Patterson, W. Charles Curley and Jenifer J.
Murphy, for appellant.

SUPREME COURT OF OHIO

Robert W. Kerpsock Co., L.P.A., and Robert W. Kerpsock, urging reconsideration of the judgment of November 5, 2003, for amicus curiae Bruce J. German.
