

NATIONWIDE MUTUAL INSURANCE COMPANY, APPELLANT, v. BRIGGS,  
APPELLEE.

[Cite as *Nationwide Mut. Ins. Co. v. Briggs*,  
128 Ohio St.3d 394, 2011-Ohio-1420.]

*Appeal dismissed as improvidently accepted.*

(No. 2010-0114 — Submitted March 2, 2011 — Decided March 30, 2011.)

APPEAL from the Court of Appeals for Stark County, No. 2009 CA 00108,  
2009-Ohio-6452.

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{¶ 1} The cause is dismissed, sua sponte, as having been improvidently accepted.

{¶ 2} The court orders that the opinion of the court of appeals may not be cited as authority except by the parties inter se.

O’CONNOR, C.J., and PFEIFER, O’DONNELL, LANZINGER, CUPP, and MCGEE BROWN, JJ., concur.

LUNDBERG STRATTON, J., dissents.

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**LUNDBERG STRATTON, J., dissenting.**

{¶ 3} I respectfully dissent. I would reverse the judgment of the court of appeals and remand for application of *Allstate Ins. Co. v. Campbell*, 128 Ohio St.3d 186, 2010-Ohio-6312, 942 N.E.2d 1090.

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Kirk E. Roman and Joyce V. Kimbler, for appellant.

Stephen A. Ginella Jr., for appellee.

Michael S. Schroeder and David J. Jansky, urging affirmance for amicus curiae, Ohio Association for Justice.

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