

HAMMOCK, APPELLEE, v. CINCINNATI INSURANCE COMPANY, APPELLANT.
[Cite as *Hammock v. Cincinnati Ins. Co.*, 102 Ohio St.3d 1232, 2004-Ohio-2833.]

Motion for reconsideration denied.

(No. 2003-1972 — Submitted April 13, 2004 — Decided June 16, 2004.)

APPEAL from the Court of Appeals for Hamilton County, No. C-020783, 2003-Ohio-5090.

ON MOTION FOR RECONSIDERATION.

{¶1} The motion for this court to reconsider its judgment entry in *Hammock v. Cincinnati Ins. Co.*, 101 Ohio St.3d 1467, 2004-Ohio-819, 804 N.E.2d 41, is denied.

MOYER, C.J., RESNICK, F.E. SWEENEY, PFEIFER, LUNDBERG STRATTON, O'CONNOR and O'DONNELL, JJ., concur.

LUNDBERG STRATTON and O'DONNELL, JJ., concur separately.

LUNDBERG STRATTON, J., concurring.

{¶2} I concur with the decision to deny reconsideration. However, as I stated in my concurring opinion in *Fish v. Ohio Cas. Ins. Co.*, 101 Ohio St.3d 1210, 2004-Ohio-224, 802 N.E.2d 149, I believe that *Westfield Ins. Co. v. Galatis*, 100 Ohio St.3d 216, 2003-Ohio-5849, 797 N.E.2d 1256, applies to all pending cases where a claim has been raised under *Scott-Pontzer v. Liberty Mut. Fire Ins. Co.* (1999), 85 Ohio St.3d 660, 710 N.E.2d 1116. Here, the appellate court has remanded the case to the trial court for further proceedings. The proceedings on remand should include application of *Galatis*.

O'DONNELL, J., concurs in the foregoing concurring opinion.

SUPREME COURT OF OHIO

Kohnen & Patton, L.L.P., and Colleen M. Blandford, for appellant.
