

[Cite as *Beary v. Larry Murphy Dump Truck Serv., Inc.*, 134 Ohio St.3d 359, 2012-Ohio-5626.]

**BEARY, APPELLANT, v. LARRY MURPHY DUMP TRUCK SERVICE, INC., ET AL.,
APPELLEES, ET AL.**

**[Cite as *Beary v. Larry Murphy Dump Truck Serv., Inc.*, 134 Ohio St.3d 359,
2012-Ohio-5626.]**

*Court of appeals' judgment reversed on the authority of Hewitt v. L.E. Myers
Co.—Cause remanded.*

(No. 2011-1899—Submitted December 4, 2012—Decided December 5, 2012.)

APPEAL from the Court of Appeals for Stark County,

No. 2011-CA-00048, 2011-Ohio-4977.

{¶ 1} The judgment of the court of appeals is reversed on the authority of *Hewitt v. L.E. Myers Co.*, 134 Ohio St.3d 199, 2012-Ohio-5317, 981 N.E.2d 795, and the cause is remanded to the trial court to apply this court's decision in *Hewitt* to determine whether the back-up alarm is “an equipment safety guard.”

O'CONNOR, C.J., and PFEIFER, LUNDBERG STRATTON, O'DONNELL, LANZINGER, CUPP, and MCGEE BROWN, JJ., concur.

Young & Sucher, P.L.L., and Daniel M. Sucher, for appellant Joseph Beary.

Hanna, Campbell, & Powell, L.L.P., Kenneth A. Calderone, and John R. Chlysta, for appellee Larry Murphy Dump Truck Service, Inc.
