

Supreme Court of Ohio.

OHIO STATE CHIROPRACTIC ASSOCIATION et al., Appellants,
v.
OHIO BUREAU OF WORKERS' COMPENSATION et al., Appellees.
No. 94-1046.
Submitted May 10, 1995.
Decided July 12, 1995.

Chiropractic association, individual chiropractors, and chiropractic patients brought action seeking injunction against enforcement of provision in manual of Ohio Bureau of Workers' Compensation. After trial court granted injunction and was affirmed on appeal, plaintiffs moved for award of attorney fees, costs, and expenses. The Court of Common Pleas, Franklin County, overruled plaintiffs' motion, and plaintiffs appealed. The Court of Appeals affirmed, [1994 WL 97029](#), and plaintiffs appealed. The Supreme Court held that trial court should have applied its *Brandenburg* decision with respect to the issue of fees. Reversed and remanded with instructions.

[Pfeifer, J.](#), filed opinion concurring in part and dissenting in part.
[Wright, J.](#), filed dissenting opinion in which [Cook, J.](#), joined.

West Headnotes

[\[1\] KeyCite Notes](#)

- ↳ [102](#) Costs
 - ↳ [102VIII](#) Attorney Fees
 - ↳ [102k194.24](#) Particular Actions or Proceedings
 - ↳ [102k194.40](#) k. Declaratory Judgment. [Most Cited Cases](#)

Under statute governing the award of relief in declaratory judgment actions, trial court has authority to assess attorney fees based on declaratory judgment issued by the court. [R.C. § 2721.09](#).


[\[2\] KeyCite Notes](#)

- ↳ [30](#) Appeal and Error
 - ↳ [30XVI](#) Review
 - ↳ [30XVI\(H\)](#) Discretion of Lower Court
 - ↳ [30k984](#) Costs and Allowances
 - ↳ [30k984\(5\)](#) k. Attorneys' Fees. [Most Cited Cases](#)

Determination to grant or deny request for attorney fees will not be disturbed absent abuse of discretion.

***1360** [Karr & Sherman Co., L.P.A.](#), [Keith M. Karr](#) and [Robert P. Sherman](#), Columbus, for appellants.
[Betty D. Montgomery](#), Atty. Gen. and [Dennis L. Hufstader](#), Asst. Atty. Gen., for appellees.

PER CURIAM.

[\[1\]](#)  [\[2\]](#)  The judgment of the court of appeals is reversed, and the cause is remanded to the trial court to apply [Motorists Mut. Ins. Co. v. Brandenburg \(1995\), 72 Ohio St.3d 157, 648 N.E.2d 488](#).

[MOYER](#), C.J., and [DOUGLAS](#), [RESNICK](#) and [FRANCIS E. SWEENEY, Sr.](#), JJ., concur.

[PFEIFER](#), J. concurs in part and dissents in part.

WRIGHT and [COOK](#), JJ., dissent.

[PFEIFER](#), Justice, concurring in part and dissenting in part.

I concur that [Motorists Mut. Ins. Co. v. Brandenburg \(1995\), 72 Ohio St.3d 157, 648 N.E.2d 488](#), controls this case. I dissent from the majority's decision to remand--we should have found that attorney fees are inappropriate and ended the matter in this court.




WRIGHT, Justice, dissenting.

For the reasons stated in Justice Cook's dissenting opinion in [Motorists Mut. Ins. Co. v. Brandenburg \(1995\), 72 Ohio St.3d 157, 648 N.E.2d 488](#), which I joined, I respectfully dissent.

[COOK](#), J., concurs in the foregoing dissenting opinion.
Ohio, 1995.

Ohio State Chiropractic Assn. v. Ohio Bur. of Workers' Comp.
72 Ohio St.3d 485, 650 N.E.2d 1359, 1995-Ohio-74

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- [1994 WL 16179035](#) (Appellate Brief) Reply Brief of Appellants Ohio State Chiropractic Association, et al. (Nov. 29, 1994)[Original Image of this Document with Appendix \(PDF\)](#) 
 - [1994 WL 16179033](#) (Appellate Brief) Merit Brief of Appellees (Nov. 09, 1994)[Original Image of this Document with Appendix \(PDF\)](#) 
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