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**In the  
Indiana Supreme Court**

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No. 66S03-0512-CV-625

DAIMLERCHRYSLER CORPORATION,

*Appellant (Defendant below),*

v.

TINA WAGNER AND DARRIN WAGNER,

*Appellees (Plaintiffs below).*

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Appeal from the Pulaski County Court, No. 66D01-0312-PL-015  
The Honorable Patrick Blankenship, Judge

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On Petition To Transfer from the Indiana Court of Appeals, No. 66A03-0406-CV-300

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**December 7, 2005**

Dickson, Justice.

This appeal presents the same procedural issue that we address today in Daimler Chrysler Corporation v. Yaeger, \_\_\_ N.E.2d \_\_\_ (Ind. 2005). As in Yaeger, the defendants sought to appeal from the trial court's denial of its motion to dismiss and compel arbitration, but failed to seek trial court certification authorizing it to appeal from the interlocutory order as required by Indiana Appellate Rule 14(B). The plaintiffs, Tina Wagner and Darrin Wagner, filed a motion to dismiss the appeal, asserting failure to comply with Rule 14(B), but the Court of Appeals, in a memorandum decision, denied the motion and considered the appeal, expressly following the reasoning of the majority in the Court of Appeals opinion in Yaeger. In accord with our opinion issued today in Yaeger, we now grant transfer and dismiss this appeal.

This appeal is dismissed, and the cause is remanded to the trial court.

Shepard, C.J., and Sullivan, Boehm, and Rucker, JJ., concur.