

OPINIONS OF THE SUPREME COURT OF OHIO

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Schwartz, Appellant, v. Comcorp, Inc., d.b.a. Sun Newspapers, et al., Appellees.

[Schwartz v. Comcorp, Inc. (1994), Ohio St.3d .]
Appeal dismissed as improvidently allowed.

(No. 93-588 -- Submitted March 30, 1994 -- Decided May 4, 1994.)

Appeal from the Court of Appeals for Cuyahoga County, No. 63479.

Kramer & Tobocman Co., L.P.A., and Suzanne M. Nigro;
Friedman & Gilbert and Terry Gilbert, for appellant.

Duvin, Cahn, Barnard & Messerman, Andrew C. Meyer and
Robert M. Wolff, for appellees.

Spater, Gittes, Schulte & Kolman and Frederick M. Gittes;
Louis A. Jacobs; and William Johnson, urging reversal for
amicus curiae, Ohio Employment Lawyers Association.

The appeal is dismissed, sua sponte, as having been
improvidently allowed.

Moyer, C.J., Wright, Resnick and F.E. Sweeney, JJ., concur.

A.W. Sweeney, Douglas and Pfeifer, JJ., dissent.

Douglas, J., dissenting. I respectfully dissent. I would reverse the court of appeals on the election-of-remedy issue but affirm the court of appeals on the merit issue of alleged age discrimination. There is no age discrimination in this case and appellees are entitled to have a final judgment from this court on this issue.

A.W. Sweeney and Pfeifer, JJ., concur in the foregoing dissenting opinion.