

OPINIONS OF THE SUPREME COURT OF OHIO

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Berger et al., Appellants and Cross-Appellees, v. City of Port Clinton, Appellee and Cross-Appellant.

[Cite as Berger v. Port Clinton (1994), Ohio St.3d .]  
Appeal and cross-appeal dismissed as improvidently allowed.

(No. 93-1399 -- Submitted October 12, 1994 -- Decided December 27, 1994.)

Appeal and Cross-Appeal from the Court of Appeals for Ottawa County, No. 92-OT-037.

Spitler & Williams-Young Co., L.P.A., Steven M. Spitler, Marc G. Williams-Young and Debra M. Jennings, for appellants and cross-appellees.

Flynn, Py & Kruse, L.P.A., and John A. Coppeler, for appellee and cross-appellant.

This cause is dismissed, sua sponte, as having been improvidently allowed.

A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

Moyer, C.J., dissents.

Moyer, C.J., dissenting. I dissent. I would affirm the well-reasoned decision of the court of appeals.