

OPINIONS OF THE SUPREME COURT OF OHIO

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Case, Admr., et al., Appellees, v. Norfolk and Western Railway Company, Appellant; Robinson, Admr., Appellee.

[Cite as Case v. Norfolk & W. Ry. Co. (1994), Ohio St.3d .]

Appeal dismissed for want of final appealable order.

(No. 91-2476 -- Submitted December 7, 1993 -- Decided May 11, 1994.)

Appeal from the Court of Appeals for Sandusky County, No. S-90-24.

Klineman, Rose, Wolf & Wallack, Jeffrey R. Gaither and John L. Stewart; Rodney M. Arthur Co., L.P.A., and Joseph W. O'Neil, for appellees Mildred G. Case, administrator of the estate of Melanie D. Hay, and Jessie L. Case, administrator of the estates of Timothy R. and Chad A. Keller.

Robison, Curphey & O'Connell, Jack Zouhary and Jean Ann S. Sieler, for appellant.

Gregory L. Arnold; Winchester & Associates and Mark A. Robinson, for appellee Mark A. Robinson, administrator of the estate of Kathy Ann Keller.

Lee Fisher, Attorney General, and Nancy J. Miller, Deputy Chief Counsel, urging affirmance for amicus curiae, state of Ohio.

Haralson, Kinerk & Morey, P.C., Dale Haralson and Adam Levine; Arthur H. Bryant and Priscilla Budeiri, urging affirmance for amicus curiae, Trial Lawyers for Public Justice, P.C.

Schulman, Mestel & Burick Co., L.P.A., Allen Schulman, Jr., Paul O. Scott, Michael F. Colley, Robert Gibbon and Thomas Murray, urging affirmance for amici cariae, Ohio Academy of Trial Lawyers and Association of Trial Lawyers of America.

The appeal is dismissed for want of a final appealable order.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, F.E. Sweeney and Pfeifer, JJ., concur.

Prior to his death while sitting for Resnick, J., John F.

Corrigan, J., of the Eighth Appellate District, participated in the decision of this cause.