

OPINIONS OF THE SUPREME COURT OF OHIO

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American States Insurance Company, Appellee and Cross-Appellant, v. Rubin et al., Appellants and Cross-Appellees; United States Fidelity & Guaranty Company, Appellee and Cross-Appellant; Buckeye Union Insurance Company, Appellee.

[Cite as Am. States Ins. Co. v. Rubin (1995), Ohio St.3d .]

Appeal dismissed as improvidently allowed.

(No. 94-55 -- Submitted March 21, 1995 -- Decided May 3, 1995.)

Appeal and Cross-Appeal from the Court of Appeals for Hamilton County, Nos. C-920511, C-920512, C-920513 and C-920521.

McIntosh, McIntosh & Knabe and Bruce B. McIntosh, for appellee and cross-appellant American States Insurance Company.

Waite, Schneider, Bayless & Chesley Co., L.P.A., D. Arthur Rouborn and Theresa L. Groh, for appellants and cross-appellees Mrs. Howard Rubin and the Estate of Howard Rubin.

McCaslin, Imbus & McCaslin, Thomas J. Gruber and Laura J. Murphy, for appellee and cross-appellant United States Fidelity & Guaranty Company.

Rendigs, Fry, Kiely & Dennis and Kenneth B. Flacks, for appellee Buckeye Union Insurance Company.

The appeal and cross-appeal are dismissed, sua sponte, as having been improvidently allowed.

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

Pfeifer, J., dissents and would reverse the judgment of the court of appeals on authority of his concurring opinion in Hillman v. Hastings Mut. Ins. Co. (1994), 68 Ohio St.3d 238, 239, 626 N.E.2d 73, 73-74.

Cook, J., dissents and would affirm the judgment of the court of appeals.