

**MOTORISTS MUTUAL INSURANCE COMPANY, APPELLEE AND CROSS-
APPELLANT, v. NUSSBAUM ET AL., APPELLANTS AND CROSS-APPELLEES.**

[Cite as *Motorists Mut. Ins. Co. v. Nussbaum*, 1996-Ohio-202.]

Appeal dismissed as improvidently allowed.

(No. 95-109—Submitted at the New Philadelphia Session April 17, 1996—

Decided May 29, 1996.)

APPEAL and CROSS-APPEAL from the Court of Appeals for Stark County, No.

1994-CA-00104.

Day, Ketterer, Raley, Wright & Rybolt and *Merle D. Evans III*, for
appellee and cross-appellant.

Scanlon & Gearing Co., L.P.A., and *Maura E. Scanlon*, for appellants
and cross-appellees.

{¶ 1} The appeal and cross-appeal are dismissed, *sua sponte*, as having
been improvidently allowed.

DOUGLAS, RESNICK, F.E. SWEENEY and STRATTON, JJ., concur.

MOYER, C.J., PFEIFER and COOK, JJ., dissent and would affirm the
judgment of the court of appeals.
