

**HILLYER, APPELLANT, v. STATE FARM INSURANCE COMPANY, APPELLEE.**

**[Cite as *Hillyer v. State Farm Ins. Co.*, 1999-Ohio-240.]**

*Appeal dismissed as improvidently allowed.*

(No. 98-1607—Submitted September 15, 1999—Decided October 13, 1999.)

APPEAL from the Court of Appeals for Lake County, No. 97-L-031.

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*Friedman, Domiano & Smith Co., L.P.A., Jeffrey H. Friedman and Stephen S. Vanek*, for appellant.

*Meyers, Hentemann & Rea Co., L.P.A., and Henry A. Hentemann*, for appellee.

*Elk & Elk Co., L.P.A., and Todd O. Rosenberg*, urging reversal for *amicus curiae*, Ohio Academy of Trial Lawyers.

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{¶ 1} The cause is dismissed, *sua sponte*, as having been improvidently allowed.

MOYER, C.J., DOUGLAS, RESNICK and LUNDBERG STRATTON, JJ., concur.

F.E. SWEENEY and PFEIFER, JJ., dissent and would affirm the judgment of the court of appeals.

COOK, J., dissents and would reverse the judgment of the court of appeals.

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