

**THE STATE EX REL. SHELTON ET AL., APPELLANTS, v. FIREMEN &
POLICEMEN’S DEATH BENEFIT FUND ET AL., APPELLEES.**

**[Cite as *State ex rel. Shelton v. Firemen & Policemen’s Death Benefit Fund*,
1999-Ohio-370.]**

Appeal dismissed as improvidently allowed.

(No. 98-66—Submitted December 16, 1998—Decided February 10, 1999.)

APPEAL from the Court of Appeals for Lorain County, No. 97CA006677.

Baumgartner & O’Toole, L.P.A., and *Daniel D. Mason*, for appellants.

Betty D. Montgomery, Attorney General, and *Darius N. Kandawalla*,
Assistant Attorney General, for appellees.

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

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, COOK and LUNDBERG
STRATTON, JJ., concur.

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