

**COLE ET AL.; WESTFIELD INSURANCE COMPANY, APPELLEE, v. AMERICAN
INDUSTRIES & RESOURCES CORPORATION ET AL.; GERALD W. BIOUS
CONSTRUCTION COMPANY, APPELLANT.**

[Cite as *Cole v. Am. Industries & Resources Corp.*, 1999-Ohio-411.]

Appeal dismissed as improvidently allowed.

(No. 98-1826—Submitted May 5, 1999—Decided June 9, 1999.)

APPEAL from the Court of Appeals for Jefferson County, No. 96-JE-51.

*Davis & Young and David G. Utley; Gorr Moser Dell & Loughney, Melvin
L. Moser and John H. Williams, Jr.*, for appellee.

*Freifield, Bruzzese, Wehr, Moreland, Straus & Spahn and Frank J.
Bruzzese; Hayes, Cooper, Campbell & Prest and Joseph G. Prest*, for appellant.

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

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