

SHEALY, APPELLANT, v. PHILLIPS ET AL., APPELLEES.

[Cite as *Shealy v. Phillips*, 2000-Ohio-176.]

Certification of conflict dismissed as improvidently certified due to want of a conflict.

(No. 99-2186—Submitted October 18, 2000 at the Fairfield County Session—
Decided December 13, 2000.)

CERTIFIED by the Court of Appeals for Crawford County, No. 3-95-15.

Timothy A. Shimko & Associates and *Timothy A. Shimko*, for appellant.

Sauter, Hohenberger & Beddow and *Kenneth R. Beddow*, for appellee Mark Phillips.

Kennedy, Purdy, Hoeffel, Gernert, Leuthold & Leuthold and *Paul E. Hoeffel*, for appellee Allstate Insurance Company.

{¶ 1} The certification of conflict is dismissed, *sua sponte*, as having been improvidently certified; there is want of a conflict. S.Ct.Prac.R. IV(2)(B); *Whitelock v. Gilbane Bldg. Co.* (1993), 66 Ohio St.3d 594, 613 N.E.2d 1032.

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

LYNN C. SLABY, J., of the Ninth Appellate District, sitting for PFEIFER, J.
