

**MICHAEL, SUCCESSOR ADMR., APPELLANT, v. RELIANCE NATIONAL  
INSURANCE COMPANY, APPELLEE.**

**[Cite as *Michael v. Reliance Natl. Ins. Co.*, 2001-Ohio-78.]**

*Appeal dismissed as improvidently allowed.*

(No. 00-1323—Submitted March 28, 2001—Decided May 16, 2001.)

APPEAL from the Court of Appeals for Franklin County, No. 99AP-1002.

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

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

MOYER, C.J., and COOK, J., dissent.

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**COOK, J., dissenting.**

{¶ 2} Because I would affirm the judgment of the court of appeals, I respectfully dissent.

MOYER, C.J., concurs in the foregoing dissenting opinion.

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*Lamkin, Van Eman, Trimble, Beals & Rourke* and *Michael J. Rourke*, for  
appellant.

*Wiles, Boyle, Burkholder & Bringardner Co., L.P.A., Jay B. Eggspuehler*  
and *Samuel M. Pipino*, 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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