

MILLER ET AL., APPELLANTS, v. THE STATE OF OHIO ET AL., APPELLEES.

[Cite as *Miller v. State*, 2002-Ohio-2216.]

Appeal dismissed as improvidently allowed.

(No. 2001-1084—Submitted April 10, 2002—Decided May 22, 2002.)

APPEAL from the Court of Appeals for Erie County, No. E-99-082.

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

MOYER, C.J., GRADY, PFEIFER, HARSHA and LUNDBERG STRATTON, JJ., concur.

DOUGLAS, J., dissents.

F.E. SWEENEY, J., dissents and would reverse the judgment of the court of appeals.

THOMAS J. GRADY, J., of the Second Appellate District, sitting for RESNICK, J.

WILLIAM H. HARSHA III, of the Fourth Appellate District, sitting for COOK, J.

Murray & Murray Co., L.P.A., James T. Murray and Joseph A. Zannieri, for appellants.

Betty D. Montgomery, Attorney General, and David M. Gormley, State Solicitor, for appellees.

Owens & Martin Co., L.P.A., and William W. Owens, urging reversal for amicus curiae city of Sandusky.

Janet L. Phillips Co., L.P.A., and Janet L. Phillips, urging reversal for amicus curiae Ohio Academy of Trial Lawyers.

SUPREME COURT OF OHIO

Shumaker, Loop & Kendrick, L.L.P., Jeffrey S. Creamer, David W. Wicklund and Robert A. Koenig, urging reversal for amicus curiae Buckeye Union Insurance Company.

Zavarello & Davis Co., L.P.A., A. William Zavarello and Rhonda Gail Davis, urging reversal for amicus curiae Summit County Trial Lawyers Association.

Linton & Hirshman and Robert F. Linton, Jr., urging reversal for amicus curiae Ohio Citizen Action.
