

**ROESCH, APPELLANT, v. WARREN DISTRIBUTION/FLEET ENGINEERING
RESEARCH ET AL.; CLARK OIL, APPELLEE.**

**[Cite as *Roesch v. Warren Distrib./Fleet Eng. Research* (2002), 94 Ohio St.3d
1247.]**

Appeal dismissed as improvidently allowed.

(No. 01-113 — Submitted January 30, 2002 — Decided March 20, 2002.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 77121.

The cause is dismissed, *sua sponte*, as having been improvidently allowed.

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

DOUGLAS, J., dissents.

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

Paul V. Wolf, for appellant.

*Cleary & Associates Co., L.P.A., Timothy R. Cleary and Danielle Konrad
Pitcock*, for appellee.
