

**BRADY-FRAY, ADMR., APPELLEE, v. TOLEDO EDISON COMPANY ET AL.,
APPELLANTS.**

**[Cite as *Brady-Fray v. Toledo Edison Co.*, 102 Ohio St.3d 1244, 2004-Ohio-
3591.]**

Appeal dismissed as improvidently accepted.

(No. 2003-1443 — Submitted June 8, 2004 — Decided July 21, 2004.)

APPEAL from the Court of Appeals for Lucas County, No. L-02-1260, 2003-Ohio-
3422.

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

MOYER, C.J., RESNICK, F.E. SWEENEY, LUNDBERG STRATTON, O’CONNOR
and O’DONNELL, JJ., concur.

PFEIFER, J., dissents and would affirm.

Blumenstiel, Huhn, Adams & Evans, L.L.C., and J.B. Blumenstiel; Kolb
& Heban and Richard Kolb, for appellee.

Roetzel & Andress, L.P.A., Denise M. Hasbrook, Alisa L. Wright and
Brad A. Rimmel, for appellant Toledo Edison Company.

Baran, Piper, Tarkowsky, Fitzgerald & Theis Co., L.P.A., and Donald E.
Theis, for appellant Asplundh Tree Expert Company.

Botros, Kollin & Schulte, L.L.C., Richard W. Schulte and Stephen D.
Behnke, urging affirmance for amicus curiae Ohio Academy of Trial Lawyers.

Calfee, Halter & Griswold, L.L.P., Thomas I. Michals and Mark L.
Belleville, urging reversal for amici curiae Columbus Southern Power Company,
Ohio Power Company, Columbia Gas of Ohio, Inc., Cleveland Electric

SUPREME COURT OF OHIO

Illuminating Company, Ohio Edison Company, Dayton Power & Light Company,
and Cincinnati Gas & Electric Company.
