

**GOTTESMAN, APPELLEE, v. ESTATE OF GOTTESMAN ET AL.; UNKNOWN AND
UNBORN HEIRS OF GOTTESMAN, APPELLANTS; CASCARILLA, EXR., APPELLEE.**

[Cite as *Gottesman v. Estate of Gottesman*, 101 Ohio St.3d 60, 2004-Ohio-4.]

Appeal dismissed as improvidently allowed.

(No. 2002-2187 — Submitted November 18, 2003 — Decided January 14, 2004.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 81265, 2002-Ohio-
6058.

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

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

F.E. SWEENEY, J., dissents and would reverse.

PFEIFER, J., dissents and would affirm the court of appeals.

Gallagher, Sharp, Fulton & Norman, James F. Koehler and Timothy J.
Fitzgerald, for appellee Muriel Gottesman.

Squire, Sanders & Dempsey, L.L.P., Daniel J. O’Loughlin and Ellen K.
Meehan, for appellants.

Walter & Haverfield, L.L.P., Robert S. Horbaly and Darrell A. Clay, for
appellee Ralph E. Cascarilla, executor of the estate of Robert G. Gottesman.
