

[Cite as *Barclay Petroleum, Inc. v. Bailey*, 156 Ohio St.3d 77, 2018-Ohio-5136.]

**BARCLAY PETROLEUM, INC., APPELLANT, v. BAILEY, TRUSTEE, ET AL.,
APPELLEES.**

**[Cite as *Barclay Petroleum, Inc. v. Bailey*, 156 Ohio St.3d 77,
2018-Ohio-5136.]**

Appeal dismissed as having been improvidently accepted.

(No. 2017-1387—Submitted July 17, 2018—Decided December 21, 2018.)

APPEAL from the Court of Appeals for Hocking County, No. 16CA14,
2017-Ohio-7547.

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

O'DONNELL, KENNEDY, FISCHER, and DEGENARO, JJ., concur.

O'CONNOR, C.J., and FRENCH and DEWINE, JJ., dissent.

Organ Cole, L.L.P., Douglas R. Cole, Shawn J. Organ, and Joshua M. Feasel, for appellant.

Tzangas Plakas Mannos, Ltd., and Joshua E. O'Farrell, for appellees.

Vorys, Sater, Seymour & Pease, L.L.P., Gregory D. Russell, Thomas H. Fusonie, Daniel D. Shuey, and Ilya Batikov, urging reversal for amici curiae, Ohio Oil and Gas Association and Southeastern Ohio Oil and Gas Association.
