

BURGOS, APPELLANT, v. AREWAY, INC., APPELLEE.

[Cite as *Burgos v. Areway, Inc.*, 1997-Ohio-172.]

Appeal dismissed as improvidently allowed.

(No. 96-1447—Submitted May 21, 1997—Decided July 9, 1997.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 69447.

Nurenberg, Plevin, Heller & McCarthy Co., L.P.A., Thomas Mester, Joel Levin, John P. Schloss and Sandra J. Rosenthal, for appellant.

Papandreas, Fahrer & Corso, John G. Papandreas and Aimee E. Gilman; Benesch, Friedlander, Coplan & Aronoff P.L.L., David W. Mellott and Mark A. Phillips, for appellee.

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

MOYER, C.J., PFEIFER, COOK and LUNDBERG STRATTON, JJ., concur.

DOUGLAS, RESNICK and F.E. SWEENEY, JJ., dissent.

ALICE ROBIE RESNICK, J., dissenting.

{¶ 2} I would reverse the decision of the court of appeals.

DOUGLAS and F.E. SWEENEY, JJ., concur in the foregoing dissenting opinion.
