

COX, EXR., APPELLANT, v. OHIO STATE UNIVERSITY HOSPITALS, APPELLEE.

[Cite as *Cox v. Ohio State Univ. Hosp.* (1997), ___ Ohio St.3d ____.]

Appeal dismissed as improvidently allowed.

(No. 96-2335 — Submitted November 4, 1997 — Decided December 24, 1997.)

APPEAL from the Court of Appeals for Franklin County, No. 96API03-316.

Spero & Rosenfield Co., L.P.A., and Keith E. Spero, for appellant.

Betty D. Montgomery, Attorney General; Emens Kegler, Brown, Hill & Ritter, William J. Brown and Karl W. Schedler, for appellee.

Bricker & Eckler, James J. Hughes, Jr., and Catherine M. Ballard, urging affirmance for amicus curiae, OHA: The Association for Hospitals and Health Systems.

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

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

DOUGLAS, J., dissents.

F.E. SWEENEY, J., dissents and would reverse the judgment of the court of appeals.

COOK, J., dissents.

COOK, J., dissenting. I would affirm the judgment of the court of appeals.