

BAKOS, APPELLEE, v. INSURA PROPERTY & CASUALTY INSURANCE COMPANY ET AL.,

APPELLANTS.

[Cite as *Bakos v. Insura Prop. & Cas. Ins. Co.* (1998), ___ Ohio St.3d ____.]

Certification of conflict dismissed for want of conflict within meaning of S.Ct.Prac.R. IV(2)(B).

(No. 97-2431 — Submitted October 28, 1998 — Decided December 30, 1998.)

CERTIFIED by the Court of Appeals for Cuyahoga County, No. 71949.

Peterson & Zelasko and Bradford D. Zelasko, for appellee.

McNeal, Schick, Archibald & Biro Co., L.P.A., and Paul W. Ziegler, for appellant Insura Property & Casualty Insurance Company.

Weston Hurd Fallon Paisley & Howley L.L.P., John G. Farnan, Hilary S. Taylor and William H. Baughman, Jr., for appellant St. Paul Fire & Marine Insurance Company.

The cause is dismissed for want of conflict within the meaning of S.Ct.Prac.R. IV(2)(B).

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER AND LUNDBERG STRATTON, JJ., CONCUR.

COOK, J., dissents.

COOK, J., dissenting. I respectfully dissent from the decision to dismiss this case as improvidently certified and, if addressing this case on the merits, would affirm the decision of the court of appeals.