

THE STATE EX REL. SHELTON ET AL., APPELLANTS, v. FIREMEN & POLICEMEN'S  
DEATH BENEFIT FUND ET AL., APPELLEES.

[Cite as *State ex rel. Shelton v. Firemen & Policemen's Death Benefit Fund*  
(1999), \_\_\_ Ohio St.3d \_\_\_\_.]

*Appeal dismissed as improvidently allowed.*

(No. 98-66 — Submitted December 16, 1998 — Decided February 10, 1999.)

APPEAL from the Court of Appeals for Lorain County, No. 97CA006677.

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*Baumgartner & O'Toole, L.P.A.*, and *Daniel D. Mason*, for appellants.

*Betty D. Montgomery*, Attorney General, and *Darius N. Kandawalla*,  
Assistant Attorney General, for appellees.

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

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, COOK and LUNDBERG  
STRATTON, JJ., concur.

PFEIFER, J., dissents and would reverse the judgment of the court of appeals.