

COLE ET AL.; WESTFIELD INSURANCE COMPANY, APPELLEE, v. AMERICAN
INDUSTRIES & RESOURCES CORPORATION ET AL.; GERALD W. BIOUS
CONSTRUCTION COMPANY, APPELLANT.

[Cite as *Cole v. Am. Industries & Resources Corp.* (1999), ___ Ohio St.3d ____.]

Appeal dismissed as improvidently allowed.

(No. 98-1826 — Submitted May 5, 1999 — Decided June 9, 1999.)

APPEAL from the Court of Appeals for Jefferson County, No. 96-JE-51.

*Davis & Young and David G. Utley; Gorr Moser Dell & Loughney, Melvin
L. Moser and John H. Williams, Jr., for appellee.*

*Freifield, Bruzzese, Wehr, Moreland, Straus & Spahn and Frank J.
Bruzzese; Hayes, Cooper, Campbell & Prest and Joseph G. Prest, for appellant.*

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

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