

DAVIDSON, APPELLANT, v. BP AMERICA, INC. ET AL., APPELLEES.

[Cite as *Davidson v. BP Am., Inc.* (1999), \_\_\_ Ohio St.3d \_\_\_\_.]

*Appeal dismissed as improvidently allowed.*

(No. 97-2653 — Submitted January 26, 1999 — Decided March 3, 1999.)

APPEAL from the Court of Appeals for Cuyahoga County, Nos. 70170 and 71812.

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*Lanciome & Simon, P.L.L., Ellen S. Simon and Christopher P. Thorman*, for appellant.

*Squire, Sanders & Dempsey, L.L.P., Thomas S. Kilbane, Richard Gurbst and Steven A. Friedman*, for appellees BP America, Inc. and Raymond N. Fritz.

*Ulmer & Berne L.L.P., Stephen A. Markus and Lawrence D. Pollack*, for appellees Coopers & Lybrand L.L.P., and John Easton.

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

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

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

PFEIFER, J., dissents and would affirm the judgment as to BP America, Inc. and reverse the judgment as to Coopers & Lybrand L.L.P.