

[Cite as *Lonas v. Kail*, 91 Ohio St.3d 1201, 2001-Ohio-228.]

LONAS ET AL., APPELLANTS, v. KAIL, APPELLEE.

[Cite as *Lonas v. Kail* (2001), 91 Ohio St.3d 1201.]

Appeal dismissed as improvidently allowed.

(No. 00-448 — Submitted December 12, 2000 — Decided January 31, 2001.)

APPEAL from the Court of Appeals for Harrison County, No. 491.

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

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

COOK and LUNDBERG STRATTON, JJ., dissent.

LUNDBERG STRATTON, J., dissenting. I respectfully dissent and would, instead, affirm the judgment of the court of appeals.

COOK, J., concurs in the foregoing dissenting opinion.

Steven G. Thomakos, for appellants.

Tate & Renner and *Richard R. Renner*, for appellee.

Betty D. Montgomery, Attorney General, and *Cheryl J. Nester*, Assistant Attorney General, urging affirmance for *amicus curiae*, Industrial Commission of Ohio.
