

**SIDENSTRICKER, APPELLEE, v. MILLER PAVEMENT  
MAINTENANCE, INC., APPELLANT.**

**[Cite as *Sidenstricker v. Miller Pavement Maintenance, Inc.*,  
110 Ohio St.3d 1258, 2006-Ohio-4203.]**

*Appeal dismissed as improvidently accepted.*

(No. 2004-1739 — Submitted November 8, 2005 — Decided August 16, 2006.)

APPEAL from the Court of Appeals for Franklin County,  
No. 03AP-827, 158 Ohio App.3d 356, 2004-Ohio-4653.

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{¶ 1} The cause is dismissed, sua sponte, as having been improvidently accepted.

{¶ 2} The court orders that the opinion of the court of appeals may not be cited as authority except by the parties inter se.

MOYER, C.J., RESNICK, PFEIFER, LUNDBERG STRATTON, O’CONNOR, O’DONNELL and LANZINGER, JJ., concur.

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Ferron & Associates, L.P.A., John W. Ferron, Leslie Blair Graden, and Lisa A. Wafer, for appellee.

Buckingham, Doolittle & Burroughs, L.L.P., and Jan E. Hensel, for appellant.

Schottenstein, Zox & Dunn and Roger L. Sabo, urging reversal for amici curiae Ohio Contractors Association, Flexible Pavements, Inc., and Builders Exchange of Central Ohio.

Gittes & Schulte, Frederick M. Gittes, and Kathaleen B. Schulte, urging affirmance for amicus curiae Ohio Employment Lawyers Association.