

[Cite as *State ex rel. N. Ohio Chapter of Associated Builders & Contrs., Inc. v. Barberton City School Dist. Bd. of Edn.*, 128 Ohio St.3d 539, 2011-Ohio-2252.]

**THE STATE EX REL. NORTHERN OHIO CHAPTER OF ASSOCIATED BUILDERS &
CONTRACTORS, INC., ET AL., APPELLANTS, v. BARBERTON CITY SCHOOL
DISTRICT BOARD OF EDUCATION, ET AL., APPELLEES.**

[Cite as *State ex rel. N. Ohio Chapter of Associated Builders & Contrs., Inc. v. Barberton City School Dist. Bd. of Edn.*, 128 Ohio St.3d 539, 2011-Ohio-2252.]

Appeal dismissed as improvidently accepted.

(No. 2010-0943 — Submitted April 19, 2011 — Decided May 17, 2011.)

APPEAL from the Court of Appeals for Summit County, No. 24898,

188 Ohio App.3d 395, 2010-Ohio-1826.

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

O’CONNOR, C.J., and PFEIFER, LUNDBERG STRATTON, O’DONNELL, LANZINGER, CUPP, and MCGEE BROWN, JJ., concur.

Ross, Brittain & Schonberg Co., L.P.A., Alan G. Ross, and Nick A. Nykulak, for appellants.

McGown & Markling Co., L.P.A., Tamzin Kelley O’Neil, and Patrick Vrobel, for appellee Barberton City School District Board of Education.

Michael DeWine, Attorney General, Alexandra T. Schimmer, Solicitor General, Laura Eddleman Heim, Deputy Solicitor, and William C. Becker, Jon C. Walden, and James E. Rook, Assistant Attorneys General, for appellee Ohio School Facilities Commission.

Pepple & Waggoner, Ltd., Christian M. Williams, Glenn D. Waggoner, and Mark J. Jackson, urging affirmance for amicus curiae, Ohio School Boards Association.
