

OPINIONS OF THE SUPREME COURT OF OHIO

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Reed et al., Appellants, v. City of Miamisburg, Appellee.
[Cite as Reed v. Miamisburg (1994), Ohio St.3d .]
Appeal dismissed as improvidently allowed.

(No. 93-1910 -- Submitted November 29, 1994 -- Decided December 30, 1994.)

Appeal from the Court of Appeals for Montgomery County, No. 13446.

Susco, Hecht & Derose Co., L.P.A., and David P. Hecht, for appellants.

Jenks, Surdky & Cowdrey Co., L.P.A., Robert F. Cowdrey and Arden Lynn Achenberg, for appellee.

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

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick and F.E. Sweeney, JJ., concur.

Pfeifer, J., dissents.

Pfeifer, J., dissenting. I would not have dismissed this case as having been improvidently allowed, but would have heard the case on its merits. I would then have applied to this case my analysis of sovereign immunity as discussed in my concurrence in Garrett v. Sandusky (1994), 68 Ohio St.3d 139, 141, 624 N.E.2d 704, 706.