

OPINIONS OF THE SUPREME COURT OF OHIO

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May, Appellant and Cross-Appellee, v. Tandy Corporation, Appellee; Diamantis, Appellee and Cross-Appellant.

[Cite as May v. Tandy Corp. (1994), Ohio St.3d .]

Torts -- Damages -- Collateral benefits -- R.C. 2317.45

violates Sections 2, 5 and 16, Article I of the Ohio

Constitution, and is unconstitutional in toto --

Cross-appeal dismissed as improvidently allowed.

(No. 93-1402 -- Submitted January 11, 1994 -- Decided June 1, 1994.)

Appeal and Cross-Appeal from the Court of Appeals for Cuyahoga County, No. 62679.

Nurenberg, Plevin, Heller & McCarthy Co., L.P.A., Richard C. Alkire, Jeffrey A. Leikin and Sandra J. Rosenthal, for appellant and cross-appellee.

William J. Coyne & Associates Co., L.P.A., Terrance P. Gravens and Michael E. Stinn, for appellee and cross-appellant.

The judgment on appeal is reversed and the cause is remanded to the trial court on authority of Sorrell v. Thevenir (1994), Ohio St.3d , N.E.2d , decided today. The cross-appeal is dismissed, sua sponte, as having been improvidently allowed.

A.W. Sweeney, Douglas, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

Moyer, C.J., and Wright, J., dissent.