

CITY OF LIMA ET AL., APPELLANTS, v. DEPALMA, APPELLEE.

[Cite as *Lima v. DePalma*, 104 Ohio St.3d 1201, 2004-Ohio-6401.]

Appeal dismissed as improvidently allowed.

(No. 2003-2063 — Submitted October 13, 2004 — Decided December 8, 2004.)

APPEAL from the Court of Appeals for Allen County, No. 1-03-10, 2003-Ohio-5451.

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

{¶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, F.E. SWEENEY, PFEIFER, LUNDBERG STRATTON, O’CONNOR and O’DONNELL, JJ., concur.

Anthony L. Geiger, Lima City Law Director, for appellants.

Blaugrund, Herbert & Martin, Inc., and David S. Kessler, for appellee.

Barry M. Byron, Stephen L. Byron, and John Gotherman, urging reversal for amicus curiae Ohio Municipal League.

Livorno & Arnett Co., L.P.A., and Henry A. Arnett, urging affirmance for amicus curiae Ohio Association of Professional Firefighters.

Gittes & Schulte and Fred Gittes; Fortney & Klingshirn and Neil E. Klingshirn, urging affirmance for amicus curiae Ohio Employment Lawyers' Association.
