

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State ex rel. N. Ohio Chapter of Associated Builders & Contrs., Inc. v. Barberton City School Dist. Bd. of Edn.*, Slip Opinion No. 2011-Ohio-2252.]

NOTICE

This slip opinion is subject to formal revision before it is published in an advance sheet of the Ohio Official Reports. Readers are requested to promptly notify the Reporter of Decisions, Supreme Court of Ohio, 65 South Front Street, Columbus, Ohio 43215, of any typographical or other formal errors in the opinion, in order that corrections may be made before the opinion is published.

**SLIP OPINION NO. 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.**

**[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State ex rel. N. Ohio Chapter of Associated Builders & Contrs., Inc. v. Barberton City School Dist. Bd. of Edn.*, Slip Opinion No. 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.

---

SUPREME COURT OF OHIO

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.

---