

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Akron v. Ohio Dept. of Ins.*, Slip Opinion No. 2015-Ohio-2926.]

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. 2015-OHIO-2926

**CITY OF AKRON ET AL., APPELLANTS, v. OHIO STATE DEPARTMENT OF
INSURANCE ET AL., APPELLEES.**

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may be cited as *Akron v. Ohio Dept. of Ins.*, Slip Opinion
No. 2015-Ohio-2926.]**

Appeal dismissed as improvidently accepted.

(No. 2014-0738—Submitted June 9, 2015—Decided July 23, 2015.)

APPEAL from the Court of Appeals for Franklin County, Nos. 13-AP-473,
13-AP-484, and 13-AP-496, 2014-Ohio-96.

{¶ 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.

O’CONNOR, C.J., and PFEIFER, O’DONNELL, and LANZINGER, JJ., concur.

KENNEDY, FRENCH, and O’NEILL, JJ., dissent.

SUPREME COURT OF OHIO

Roetzel & Andress, L.P.A., Paul L. Jackson, and Karen D. Adinolfi; Patricia Ambrose Rubright, Akron Director of Law, and Tammy Kalail, Assistant Director of Law, for appellee city of Akron.

Mike DeWine, Attorney General, Eric E. Murphy, State Solicitor, Michael J. Hendershot, Chief Deputy Solicitor, and Jennifer S.M. Croskey, Assistant Attorney General, for appellee Ohio Police and Fire Pension Fund.

Frantz Ward, L.L.P., and Michael E. Smith, for appellee Medical Mutual of Ohio.

Larry Dean Shenise, for appellants, Timothy Metcalfe and William Biasella.

Muskovitz & Lemmerbrock, L.L.C., Susannah Muskovitz, and Christopher C. Moses, urging reversal for amicus curiae, Fraternal Order of Police, Akron Lodge #7.
