

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Schultheiss v. Heinrich Ents., Inc.*, Slip Opinion No. 2017-Ohio-2895.]

NOTICE

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SLIP OPINION NO. 2017-OHIO-2895

**SCHULTHEISS, APPELLEE, v. HEINRICH ENTERPRISES, INC., ET AL.,
APPELLANTS.**

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2017-Ohio-2895.]**

Appeal dismissed as having been improvidently accepted.

(No. 2016-0623—Submitted May 2, 2017—Decided May 22, 2017.)

APPEAL from the Court of Appeals for Washington County,
No. 15CA20, 2016-Ohio-121.

{¶ 1} This cause is dismissed as having been improvidently accepted.
O'DONNELL, FRENCH, O'NEILL, FISCHER, and DEWINE, JJ., concur.
O'CONNOR, C.J., and KENNEDY, J., dissent.

Fields, Dehmlow & Vessels, L.L.C., and Ethan Vessels, for appellee.

SUPREME COURT OF OHIO

Theisen Brock, L.P.A., James S. Huggins, and Daniel P. Corcoran, for appellants.

Chad A. Endsley, Leah F. Curtis, and Amy Milam, urging affirmance for amici curiae Ohio Farm Bureau Federation, Guernsey County Farm Bureau, and Washington County Farm Bureau.

Vorys, Sater, Seymour & Pease, L.L.P., Gregory D. Russell, Peter A. Lusenhop, Steven A. Chang, and Ilya Batikov, urging reversal for amici curiae Ohio Oil and Gas Association, Southeastern Ohio Oil and Gas Association, Ascent Resources-Utica, L.L.C., Buckeye Oil Producing Company, Eclipse Resources Corporation, EnerVest Operating, L.L.C., Flat Rock Development, L.L.C., Hess Ohio Developments, L.L.C., HG Energy, L.L.C., Northwood Energy Corporation, Petrox, Inc., and Sound Energy Company, Inc.
