



LEXSEE 111 OHIO ST.3D 1209

**ROSE ET AL., APPELLEES, v. CITY OF GARFIELD HEIGHTS ET AL.;  
CLARENDON NATIONAL INSURANCE COMPANY, APPELLANT.**

**No. 2005-1828**

**SUPREME COURT OF OHIO**

***111 Ohio St. 3d 1209; 2006 Ohio 5698; 855 N.E.2d 1233; 2006 Ohio LEXIS 3244***

**September 20, 2006, Submitted  
November 15, 2006, Decided**

**SUBSEQUENT HISTORY:** Reconsideration denied by *Rose v. Garfield Heights*, 2007 Ohio 152, 2007 Ohio LEXIS 69 (Ohio, Jan. 24, 2007)

**PRIOR HISTORY:** APPEAL from the Court of Appeals for Cuyahoga County, Nos. 85420 and 85426, 2005 Ohio 4165. *Rose v. City of Garfield Heights*, 2005 Ohio 4165, 2005 Ohio App. LEXIS 3792 (Ohio Ct. App., Cuyahoga County, Aug. 11, 2005)

**HEADNOTES**

*Appeal dismissed as improvidently accepted.*

**COUNSEL:** Yulish, Twohig & Associates Co., L.P.A., and Gerald R. Horning, for appellees.

Reminger & Reminger Co., L.P.A., and Amy S. Thomas, for appellant.

Paul L. Cox, urging affirmance for amicus curiae, Fraternal Order of Police of Ohio, Inc.

**JUDGES:** MOYER, C.J., BOGGINS, PFEIFER, LUNDBERG STRATTON, O'CONNOR, O'DONNELL and LANZINGER, JJ., concur. JOHN F. BOGGINS, J., of the Fifth Appellate District, sitting for RESNICK, J.

**OPINION**

[\*1209] [\*\*\*1233] [\*\*P1] The cause is dismissed, sua sponte, as having been improvidently accepted.

[\*\*P2] 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., BOGGINS, PFEIFER, LUNDBERG STRATTON, O'CONNOR, O'DONNELL and LANZINGER, JJ., concur.

JOHN F. BOGGINS, J., of the Fifth Appellate District, sitting for RESNICK, J.