

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. 2012-OHIO-2574

ROYSE, APPELLEE, v. CITY OF DAYTON, APPELLANT.

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Royse v. Dayton*, Slip Opinion No. 2012-Ohio-2574.]

Appeal dismissed as improvidently accepted.

(No. 2011-1477—Submitted May 9, 2012—Decided June 13, 2012.)

APPEAL from the Court of Appeals for Montgomery County, No. 24172,
195 Ohio App.3d 81, 2011-Ohio-3509.

{¶ 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.

Thompson Hine, L.L.P., and Terry Posey Jr.; and Terry Posey, for appellee.

John J. Danish, Dayton City Attorney, and Jonathan W. Croft and Norma Dickens, Assistant City Attorneys, for appellant.

SUPREME COURT OF OHIO

Michael DeWine, Attorney General, Alexandra T. Schimmer, Solicitor General, and Michael J. Hendershot, Chief Deputy Counsel, for amicus curiae State of Ohio.

Ice Miller L.L.P., Stephen L. Byron, and Rebecca K. Schaltenbrand; and John Gotherman, urging reversal for amicus curiae Ohio Municipal League
