

[Cite as *Geggie v. Cooper Tire & Rubber Co.*, 95 Ohio St.3d 1223, 2002-Ohio-2583.]

**GEGGIE, A.K.A. GEGGIEE, ADMR., APPELLANT, v. COOPER TIRE & RUBBER
COMPANY, APPELLEE.**

[Cite as *Geggie v. Cooper Tire & Rubber Co.*, 95 Ohio St.3d 1223, 2002-Ohio-
2583.]

Appeal dismissed as improvidently allowed.

(No. 2001-1695 — Submitted April 23, 2002 — Decided June 19, 2002.)

APPEAL from the Court of Appeals for Hancock County, No. 5-01-13, 2001-Ohio-
2208.

{¶1} The cause is dismissed, sua sponte, as having been improvidently
allowed.

MOYER, C.J., DOUGLAS, F.E. SWEENEY, COOK and LUNDBERG STRATTON,
JJ., concur.

RESNICK and PFEIFER, JJ., dissent.

PFEIFER, J., dissenting.

{¶2} I dissent from the majority's decision to declare that this
case was improvidently allowed. While it is not possible to determine
whether Geggie's claim is meritorious, I believe her pleadings were
sufficient, pursuant to *Fyffe v. Jenos, Inc.* (1991), 59 Ohio St.3d 115, 570
N.E.2d 1108, paragraphs one and two of the syllabus, to survive a Civ.R.
12(B)(6) motion for dismissal.

RESNICK, J., concurs in the foregoing dissenting opinion.

Siferd & McCluskey, L.P.A., and Richard E. Siferd; and Samuel W.
Diller, for appellant.

SUPREME COURT OF OHIO

Jones, Day, Reavis & Pogue, Robert S. Walker and Colleen Conley; and Gregory E. Meyers, for appellee.

Vorys, Sater, Seymour & Pease, L.L.P., Robin R. Obetz and Robert A. Minor, urging affirmance for amicus curiae Ohio Self-Insurers' Assn.
