

FILED

2005 FEB 28 P 3:26

LYNNE L. MAZEIKA  
LAKE CO CLERK OF COURT

IN THE COURT OF COMMON PLEAS  
LAKE COUNTY, OHIO

JUDGE EUGENE A. LUCCI

STATE OF OHIO EX REL.	)	CASE NO. 04CV001080
ROBERT MERRILL, TRUSTEE, <i>et al.</i> ,	)	
	)	
Plaintiffs-Relators	)	
vs.	)	
	)	
STATE OF OHIO, DEPARTMENT	)	
OF NATURAL RESOURCES, <i>et al.</i> ,	)	
	)	
Defendants-Respondents	)	

---

STATE OF OHIO EX REL.	)	CASE NO. 04CV001081
HOMER S. TAFT, <i>et al.</i> ,	)	
	)	
Plaintiffs-Relators	)	
vs.	)	
	)	
STATE OF OHIO, DEPARTMENT	)	
OF NATURAL RESOURCES, <i>et al.</i> ,	)	
	)	
Defendants-Respondents	)	

**ORDER GRANTING MOTION OF THE STATE OF OHIO FOR STAY  
OF CLASS CERTIFICATION HEARING**

{¶1} The court has reviewed and considered the motion of the State of Ohio for stay, filed February 23, 2005. The motion seeks to stay the March 4, 2005 hearing on the motion for class certification. For good cause shown, the motion is well-taken and is granted.

{¶2} Accordingly, the March 4, 2005 hearing on the motion for class certification is stayed until: (1) the pleadings have closed, and (2) either the time for removal to federal court has expired, or else

a notice of removal has been filed and the issue of whether removal to federal court was proper has been decided.

{¶3} Until a notice of removal has been filed with this court, the parties are ordered to continue discovery on all issues, including class certification.

{¶4} **IT IS SO ORDERED.**



**EUGENE A. LUCCI, JUDGE**

c: James F. Lang, Esq., Michael T. Mulcahy, Esq., Henry G. Grendell, Esq., Attorneys for  
Plaintiffs/Relators in Case No. 04CV001080  
Homer S. Taft, Esq., and L. Scot Duncan, Esq., Plaintiffs/Relators Pro Se in Case No.  
04CV001081  
Cynthia K. Frazzini, Esq., and John P. Bartley, Esq., Assistant Attorneys General for  
Defendants/Respondents