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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 DIRECTING PARTIES TO IDENTIFY
STIPULATIONS OF FACT, IF ANY, AND ESTABLISHING BRIEFING
SCHEDULE FOR CLASS CERTIFICATION ISSUES**

{¶1} On September 17, 2004, plaintiffs-relators filed their motion for class certification on count one of the first amended complaint. On October 4, 2004, defendants-respondents filed their motion to stay all proceedings regarding the motion for class certification until final disposition of the motion to dismiss, and the court granted that motion. On December 15, 2004, the court denied the motion to dismiss and lifted the stay on the motion for class certification.

{¶2} The motion for class certification has been set for hearing on March 4, 2005. In preparation for that hearing, the court orders counsel for the respective parties to confer, to identify any stipulations of fact to which the parties agree, and to file with the court a notice setting forth the written stipulations of fact, if any, on or before January 7, 2005. The notice of written stipulations of fact shall also identify the disputed factual issues on which exhibits and testimony will be introduced at the hearing on March 4, 2005.

{¶3} In addition, the court establishes the following briefing schedule for the motion:

(A) Defendants-respondents shall file their brief in opposition to plaintiffs-relators' motion for class certification on count one of the first amended complaint on or before January 14, 2005;

(B) Plaintiffs-relators shall file their reply brief on or before January 28, 2005.

{¶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