

FILED

2005 JAN 14 A 10: 35

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, IN PART, THE STATE OF OHIO'S
MOTION FOR EXTENSION OF TIME, FOR CONTINUANCE
OF HEARING, AND FOR PREHEARING CONFERENCE**

{¶1} The court has reviewed and considered the motion of the State of Ohio for extension of time, for continuance of hearing, and for prehearing conference, filed December 30, 2004, together with plaintiffs-relators' response, filed January 4, 2005, and plaintiffs-relators Taft, Duncan's response, filed January 11, 2005.

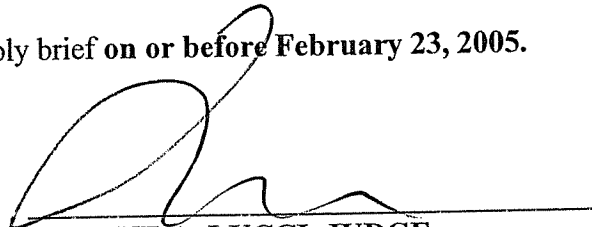
{¶2} The court finds the motion well-taken in part and grants the motion for extension of time as follows. The motion for continuance of hearing and the motion for prehearing conference is denied.

{¶3} The motion for class certification has been set for hearing on March 4, 2005, and the motion will be heard on that date. In preparation for that hearing, the court amends its previous order and 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 February 4, 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. In addition, the court amends its previous order and 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 February 11, 2005**;

(B) Plaintiffs-relators shall file their reply brief **on or before February 23, 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