

Todd Development Co., Inc., et al.

Case No. 2007-0041

v.

E N T R Y

Sonny D. Morgan et al.

This cause is pending before the Court on the certification of a conflict by the Court of Appeals for Warren County. On review of the order certifying a conflict,

It is determined by the Court that a conflict exists. The parties are to brief the issue stated at page 8 of the court of appeals' Decision and Entry filed December 13, 2006, as follows:

“Does a plaintiff or counterclaimant moving for summary judgment granting affirmative relief on its own claims bear the initial burden of addressing the non-moving party's affirmative defenses in its motion?”

It is further ordered by the Court that the Clerk shall issue an order for the transmittal of the record from the Court of Appeals for Warren County.

(Warren County Court of Appeals; No. 200511124)

THOMAS J. MOYER
Chief Justice