

Lorri Turner, Administratrix, etc.

Case No. 2007-0112

v.

E N T R Y

Ohio Bell Telephone Company et al.

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

It is determined that a conflict exists. It is ordered by the Court that the parties brief the issue stated at page 2 of the court of appeals' journal entry filed January 12, 2007, as follows:

“Whether a utility pole that is located off the improved portion of the roadway, but in close proximity to the improved portion thereof and within the right-of-way, may constitute an obstruction dangerous to anyone properly using the highway.

Whether a utility company may be held liable in negligence to motorists who strike a utility pole located in close proximity to the improved portion of a roadway and within the right-of-way when it presents a foreseeable and unreasonable risk of harm to users of the roadway.”

It is ordered by the Court, sua sponte, that this cause is consolidated with Supreme Court Case No. 2007-0035, *Turner v. Ohio Bell Tel. Co.*

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 Cuyahoga County.

It is further ordered that briefing in Case Nos. 2007-0112 and 2007-0035 shall be consolidated. The parties shall file two originals of each of the briefs permitted under S.Ct.Prac.R. VI and include both case numbers on the cover page of the briefs. The parties shall otherwise comply with the requirements of S.Ct.Prac.R. VI.

(Cuyahoga County Court of Appeals; No. 87541)

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THOMAS J. MOYER  
Chief Justice