

Western Rogers

Case No. 2007-0684

v.

E N T R Y

City of Dayton et al.

This cause is pending before the Court on the certification of a conflict by Court of Appeals for Montgomery 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 6 of the court of appeals' decision and entry filed April 11, 2007, as follows:

“Under R.C. 3937.18(K)(3)(2000), is a political subdivision self-insured within the meaning of the financial responsibility law of Ohio if the political subdivision has not qualified as a self-insurer under R.C. Chapter 4509?”

It is ordered by the Court, sua sponte, that this cause is consolidated with Supreme Court Case No. 2007-0549, *Rogers v. Dayton*..

It is further ordered that briefing in Case Nos. 2007-0684 and 2007-0549 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.

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

(Montgomery County Court of Appeals; No. 21593)

THOMAS J. MOYER
Chief Justice