

Evelyn Klein et al.

v.

Alvin Moutz

Case No. 2007-1551

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

It is determined that a conflict exists. The parties are to brief the issue stated at page 1 of the court of appeals' Journal Entry filed August 9, 2007, as follows:

“Whether a trial court has the authority to tax costs under R.C. 5321.16 which were incurred at the appellate level.”

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 Summit County.

(Summit County Court of Appeals; No. 23473)

THOMAS J. MOYER
Chief Justice