

Michael Martin et al.

Case No. 2007-2023

v.

E N T R Y

Design Construction Services, Inc.

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 3 of the court of appeals' Journal Entry filed October 24, 2007, as follows:

“Whether in an action for temporary damages to a noncommercial real property, a failure to prove the difference between the fair market value of the whole property just before the damage was done and immediately thereafter is fatal to the claim”

It is ordered by the Court that this cause is consolidated with Supreme Court Case No. 2007-2024, *Martin v. Design Constr. Servs., Inc.*

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 Summit County.

It is further ordered by the Court that the briefing in Case Nos. 2007-2024 and 2007-2023 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.

(Summit County Court of Appeals; No. 23422)

THOMAS J. MOYER
Chief Justice