

Carl Stetter, et al.

Case No. 2008-0972

v.

E N T R Y

R.J. Corman Derailment Services LLC, et
al.

This cause is pending before the Court on the certification of a state law question from the United States District Court, Northern District of Ohio, Western Division. Upon review of the preliminary memoranda pursuant to S.Ct.Prac.R. XVIII(6),

It is determined that the Court will answer the following questions:

1. “Is R.C. §2745.01, as amended by Senate Bill 80, effective April 7, 2005, unconstitutional for violating the right to trial by jury?”
2. “Is R.C. §2745.01, as amended by Senate Bill 80, effective April 7, 2005, unconstitutional for violating the right to a remedy?”
3. “Is R.C. §2745.01, as amended by Senate Bill 80, effective April 7, 2005, unconstitutional for violating the right to an open court?”
4. “Is R.C. §2745.01, as amended by Senate Bill 80, effective April 7, 2005, unconstitutional for violating the right to due process of law?”
5. “Is R.C. §2745.01, as amended by Senate Bill 80, effective April 7, 2005, unconstitutional for violating the right to equal protection of the law?”
6. “Is R.C. §2745.01, as amended by Senate Bill 80, effective April 7, 2005, unconstitutional for violating the separation of powers?”
7. “Is R.C. §2745.01, as amended by Senate Bill 80, effective April 7, 2005, unconstitutional for conflicting with the legislative authority granted to the General Assembly by §34 and §35, Article II, of the Ohio Constitution?”
8. “Does R.C. §2745.01, as amended by Senate Bill 80, effective April 7, 2005, do away with the common law cause of action for employer intentional tort?”

It is ordered by the Court that the petitioners shall file their merit brief within 40 days of the date of this entry and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. VI, and S. Ct.Prac.R. XVIII(7).

THOMAS J. MOYER
Chief Justice