

Marcia A. Mayer et al.

Case No. 2009-0170

v.

E N T R Y

Mario Medancic et al.,
Mladen Medancic et al.

This cause is pending before the Court on the certification of a conflict by the Court of Appeals for Geauga 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' Order filed January 6, 2009, as follows:

“When a written instrument sets forth a specific rate of interest to be paid, and there is a default in the payment of that interest, is the creditor entitled to compound interest, even absent a statute or provision therefore in the written instrument, pursuant to the rule in *State ex. rel. Bruml v. Brooklyn* (1943), 141 Ohio St. 593?”

It is ordered by the Court, sua sponte, that this cause is consolidated with Supreme Court Case No. 2008-2363, *Mayer v. Medancic*.

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 Geauga County.

It is further ordered that briefing in Case Nos. 2009-0170 and 2008-2363 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.

Upon consideration of appellees' motion to dismiss,

It is ordered by the Court that the motion to dismiss is denied.

(Gauga County Court of Appeals; Nos. 2008G2826, 2008G2827, and 2008G2828)

THOMAS J. MOYER
Chief Justice