

The Supreme Court of Ohio

Doug Bergman et al.

Case No. 2009-0649

v.

ENTRY

Monarch Construction Co. et al.

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

It is determined that a conflict exists. The parties are to brief the issue stated in the court of appeals' Entry filed March 31, 2009, as follows:

"Is the 25% penalty set forth in R.C. 4115.10(A) a mandatory penalty that must be enforced against a party that violates prevailing wage statutes if the violation is not the result of statutory misinterpretation or payroll error?"

It is ordered by the Court, sua sponte, that this cause is consolidated with Supreme Court Case No. 2009-0558, *Bergman v. Monarch Constr. Co.*

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 Butler County.

It is further ordered that briefing in Case Nos. 2009-0649 and 2009-0558 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.

(Butler County Court of Appeals; No. CA200802044)



THOMAS J. MOYER
Chief Justice