

# The Supreme Court of Ohio

FILED

APR 24 2013

CLERK OF COURT  
SUPREME COURT OF OHIO

FirstMerit Bank, N.A.

Case No. 2013-0091

v.

ENTRY

Daniel E. Inks et al.

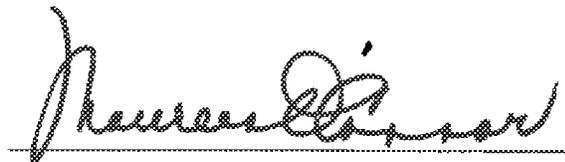
This cause is pending before the court on the certification of a conflict by the Court of Appeals for Summit County. On review of the order certifying a conflict, it is determined that a conflict exists. The parties are to brief the issue stated at page 6 of the court of appeals' Entry filed December 19, 2012, as follows:

"Whether Section 1335.05 of the Ohio Revised Code prohibits a party from raising as a defense that the parties to a contract involving an interest in land orally agreed to modify the terms of their agreement."

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.

It is ordered by the court, sua sponte, that this cause is consolidated with Supreme Court Case No. 2013-0203, *FirstMerit Bank v. Inks*, and that the briefing in Case Nos. 2013-0091 and 2013-0203 shall be consolidated. The parties shall file two originals of each of the briefs permitted under S.Ct.Prac.R. 16.02-16.04 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. 16.01-16.04.

(Summit County Court of Appeals; Nos. 25980 and 26182)



Maureen O'Connor  
Chief Justice