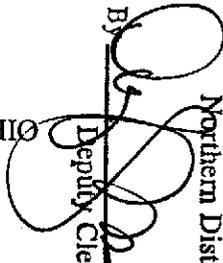


ORIGINAL

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

By   
Deputy Clerk  
Northern District of Ohio  
U.S. District Court

I hereby certify that this instrument is a true and correct copy of the original on file in my office.  
Attest: Geri M. Smith, Clerk

GROCH et al.

\* Case No. 3:06-CV-1604

Plaintiffs

\* Judge JAMES G. CARR

v.

\* \_\_\_\_\_ AMENDED ORDER

GENERAL MOTORS CORPORATION, et al.,

\*

ON COMPUTER-ALM

Defendants.

\*

06-1914

There are issues of Ohio law that may be determinative of the present case and for which there is no controlling precedent in the decisions of the Supreme Court of Ohio. Therefore, this Court finds it appropriate to certify questions of Ohio law to the Supreme Court of Ohio.

**A. NAME OF THE CASE AND NAMES OF ALL PARTIES**

The name of this case is *Douglas Groch, et al. v. General Motors Corporation, et al.* case number 3:06-CV-1604. The parties in this case are: Plaintiffs Douglas Groch and Chloe Groch versus Defendants General Motors Corporation, Kard Corporation and Racine Federated, Inc. The Attorney General of Ohio is a party for purposes of defending the constitutionality of the Ohio statutes at issue.

**B. BRIEF STATEMENT OF FACTS**

The Amended Complaint alleges the following: Plaintiff Douglas Groch ("Groch") was injured on March 3, 2005 when the trim press he was operating came down on his right arm and wrist. At the time of his injury Plaintiff Douglas Groch was acting in the course and scope of his employment with Defendant General Motors Corporation. The trim press that he

was using was manufactured by Defendants Kard Corporation and Racine Federated, Inc.

**FILED**  
DEC 01 2006  
MARCIA J. MENGEL, CLERK  
SUPREME COURT OF OHIO

Groch bought an action in the Court of Common Pleas, Lucas County, Ohio seeking damages from Defendant General Motors Corporation ("GM") based on a theory of employer intentional tort and from Defendants Kard Corporation and Racine Federated, Inc. (respectively, "Kard" and "Racine") based on a theory of product liability. Plaintiff Chloe Groch ("Chloe") sought damages for loss of consortium.

The action was removed to federal court by GM. Federal jurisdiction is based on 28 U.S.C. 1332 because there is diversity between the Plaintiffs and the Defendants, and the amount in controversy exceeds \$75,000.00.

This Court has previously certified several questions to the Supreme Court of Ohio which need not be repeated here. Plaintiffs have remedied the defect in their pleading which prevented certification of Proposed Question number 15. Said defect has been corrected.

**C. THE CERTIFIED QUESTION**

The Court now finds that in order to fully adjudicate the matter before it, it must certify one additional question to the Supreme Court of Ohio:

15. Does Senate Bill 80 violate the one-subject rule, Article II, Section 15, of the Ohio Constitution?

**D. COUNSEL FOR THE PARTIES**

Counsel for each party is provided below:

Kevin J. Boissoneault  
Bonnie E. Haims  
Russell Gerney  
GALLON, TAKACS, BOISSONEAULT & SCHAFFER CO. L.P.A.  
3516 Granite Circle  
Toledo, OH 43617-1172  
(419) 843-2001  
*Counsel for Plaintiffs*

Elise Porter  
Assistant Attorney General  
Workers Compensation Section  
150 E. Gay Street, 22<sup>nd</sup> Floor  
Columbus, OH 43215  
(614) 466-6730  
*Counsel for Attorney General of the State of Ohio*

Kimberly Donovan  
KERGER & ASSOCIATES  
33 S. Michigan Street, Suite 100  
Toledo, OH 43604  
*local Counsel for General Motors Corporation*

Patrick N. Fanning  
David C. Vogel  
Dan E. Cranshaw  
LATHROP & GAGE L.C.  
2345 Grand Boulevard Suite 2800  
Kansas City, MO 64108-2684  
(816) 292-2000  
*Counsel for General Motors Corporation*

Robert H. Eddy  
Anna S. Fister  
GALLAGHER SHARP  
420 Madison Avenue, Suite 1250  
Toledo, OH 43604  
(419) 241-4860  
*Counsel for Kard Corporation and  
Racine Federated, Inc. National/Kard Division*

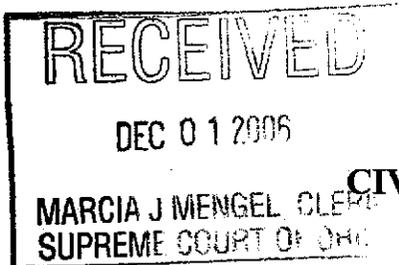
**E. MOVING PARTY**

The Plaintiff Douglas Groch is designated as the moving party.

s/ James G. Carr

---

Hon. James G. Carr



**U.S. District Court  
Northern District of Ohio (Toledo)  
CIVIL DOCKET FOR CASE #: 3:06-cv-01604-JGC**

Groch et al v. General Motors Corporation, et al.  
Assigned to: Hon. James G. Carr  
Cause: 28:1441 Petition for Removal- Personal Injury

Date Filed: 06/30/2006  
Jury Demand: Both  
Nature of Suit: 360 P.I.: Other  
Jurisdiction: Diversity

**Plaintiff**

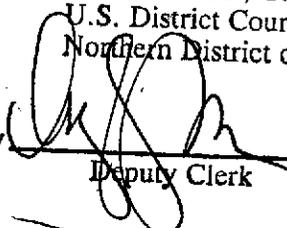
**Douglas Groch**

represented by **Bonnie E. Haims**  
Gallon, Takacs, Boissoneault &  
Schaffer  
3516 Granite Circle  
Toledo, OH 43617-1172  
419-843-2001  
Fax: 419-841-2608  
Email: bhaims@gallonlaw.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Kevin J. Boissoneault**  
Gallon, Takacs, Boissoneault &  
Schaffer  
3516 Granite Circle  
Toledo, OH 43617-1172  
419-843-2001  
Fax: 419-841-2608  
Email: kboisson@gallonlaw.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Russell W. Gerney**  
Gallon, Takacs, Boissoneault &  
Schaffer  
3516 Granite Circle  
Toledo, OH 43617-1172  
419-843-2001  
Fax: 419-841-2608  
Email: rgerney@gallonlaw.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

I hereby certify that this instrument is a true and correct copy of the original on file in my office.  
Attest: Geri M. Smith, Clerk  
U.S. District Court  
Northern District of Ohio

By   
Deputy Clerk

**Plaintiff**

**C. G.**  
*a minor, by and through her father and*

represented by **Bonnie E. Haims**  
(See above for address)

*next friend, Douglas Groch*

*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Kevin J. Boissoneault**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Russell W. Gerney**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

V.

**Defendant**

**General Motors Corporation**

represented by **Kimberly A. Conklin**  
Kerger & Associates  
Ste. 100  
33 South Michigan Street  
Toledo, OH 43604  
419-255-5990  
Fax: 419-255-5997  
Email: kimconklin@kergerkerger.com  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Dan E. Cranshaw**  
Lathrop & Gage  
Ste. 2800  
2345 Grand Boulevard  
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US  
816-292-2000  
Fax: 816-292-2001

**David C. Vogel**  
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816-292-2000  
Fax: 816-292-2001

**Patrick N. Fanning**  
Lathrop & Gage  
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Suite 2800  
Kansas City, MO 64108-2684  
816-292-2000

Fax: 816-292-2001

**Defendant**

**Kard Corporation**

represented by **Robert H. Eddy, III**  
Gallagher Sharp  
Ste. 1250  
420 Madison Avenue  
Toledo, OH 43604  
US  
419-241-4860  
Fax: 419-241-4866  
Email: rededy@gallaghersharp.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Anna S. Fister**  
GALLAGHER SHARP  
420 Madison Avenue  
Suite 1250  
Toledo, OH 43604  
419-241-4863  
Fax: 419-241-4866  
Email: afister@gallaghersharp.com  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Racine Federated, Inc.**  
*National/Kard Division*

represented by **Robert H. Eddy, III**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Anna S. Fister**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**John Does**  
1-3

**Defendant/Intervenor**

**Ohio Atty General Jim Petro**

represented by **Elise W. Porter**  
Office of the Attorney General  
17th Floor  
30 East Broad Street  
Columbus, OH 43215-3428  
614-466-4195  
Fax: 614-728-7592  
Email: eporter@ag.state.oh.us  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
06/30/2006	● <u>1</u>	Notice of Removal from Lucas County Court of Common Pleas, case number 4801CI200603824, with jury demand ( Filing fee paid of \$350.00, receipt number 2036884), filed by General Motors Corp.. (Attachments: # <u>1</u> Exhibit Complaint# <u>2</u> Exhibit: Notice of Filing Notice of Removal# <u>3</u> Civil Cover Sheet)(Donovan, Kimberly) Modified on 7/5/2006 to note civil cover sheet incomplete. Filer notified (B, T). (Entered: 06/30/2006)
06/30/2006	●	Judge James G. Carr assigned to case. (M, L) (Entered: 06/30/2006)
07/06/2006	● <u>2</u>	Supplement to <i>Civil Cover Sheet</i> filed by General Motors Corporation. Related document(s) <u>1</u> . (Donovan, Kimberly) (Entered: 07/06/2006)
07/10/2006	● <u>3</u>	Answer to Complaint (Related Doc # <u>1</u> ) filed by General Motors Corporation. (Donovan, Kimberly) Modified on 7/13/2006 (A, P). (Entered: 07/10/2006)
07/20/2006	● <u>4</u>	Notice of Filing Failure of Service from Lucas County Common Pleas Court filed by Douglas Groch. (Attachments: # <u>1</u> Notice dated 7/6/06 # <u>2</u> Notice dated 7/12/06) (Boissoneault, Kevin) Modified on 7/21/2006 (B, T). (Entered: 07/20/2006)
07/20/2006	● <u>5</u>	Praecipe to Clerk for the issuance of Summons for Kard Manufacturing Corporation, Racine Federated, Inc., and RHL Associates, Inc., filed by Douglas Groch. (Attachments: # <u>1</u> )(Boissoneault, Kevin) Modified on 7/21/2006 to edit text (B, T). (Entered: 07/20/2006)
07/21/2006	● <u>6</u>	Case Management Conference Scheduling notice: case management conference to be held on 8/25/2006 at 04:30 PM before Hon. James G. Carr. Recommended track: expedited. Out of town counsel may participate by phone; parties need not attend. (Attachments: # <u>1</u> consent package)(S, A) (Entered: 07/21/2006)
07/21/2006	● <u>7</u>	Removal Order: This cause having been removed from the Lucas County Common Pleas Court, the Clerk is Ordered to notify said court of this order that the U.S. District Court has assumed jurisdiction. The Common Pleas Court may close their Case No. CI0200603824 for statistical and superintendency reasons. In the event of remand, the case may be reopened as a new case. Signed by Judge James G. Carr on 7/21/2006. (S, A) (Entered: 07/21/2006)
07/21/2006	● <u>8</u>	Summons (3) issued to counsel for service upon Kard Manufacturing Corporation, Racine Federated, Inc., and RHL Associates, Inc.. (Summons does not contain a second page) (B, T) (Entered: 07/21/2006)
07/25/2006	● <u>9</u>	Answer to Complaint with Jury Demand (Related Doc # <u>1</u> ) filed by Kard Corporation, Racine Federated, Inc.. (Eddy, Robert) (Entered: 07/25/2006)
07/26/2006	● <u>10</u>	Attorney Appearance by Anna S. Fister filed by on behalf of Kard

		Corporation, Racine Federated, Inc.. (Fister, Anna) (Entered: 07/26/2006)
07/28/2006	<a href="#">11</a>	Return of Service Executed upon Kard Corporation via Kard Manufacturing, Inc., by certified mail on 7/24/06 filed by Douglas Groch. (Boissoneault, Kevin) Modified on 7/31/2006 to note 1st summons page missing. Filer notified (B, T). (Entered: 07/28/2006)
07/28/2006	<a href="#">12</a>	Return of Service Executed upon Kard Corporation (via RHL Associates, Inc.) by certified mail on 7/24/06 filed by Douglas Groch (Boissoneault, Kevin) Modified on 7/31/2006 to note 1st page of summon missing. Filer notified (B, T). (Entered: 07/28/2006)
07/31/2006	<a href="#">13</a>	Corporate Disclosure Statement filed by General Motors Corporation. (Donovan, Kimberly) (Entered: 07/31/2006)
07/31/2006	<a href="#">14</a>	Removal Statement filed by General Motors Corporation. Related document(s) <u>7</u> . (Donovan, Kimberly) (Entered: 07/31/2006)
08/10/2006	<a href="#">15</a>	Praecipe to Clerk for the issuance of summons to Racine Federated, Inc., filed by Douglas Groch. (Attachments: # <u>1</u> Summons)(Boissoneault, Kevin) Modified on 8/11/2006 to edit text (B, T). (Entered: 08/10/2006)
08/14/2006	<a href="#">16</a>	<i>Joint Amended</i> Answer to Complaint with Jury Demand (Related Doc # <u>  </u> ) filed by Kard Corporation, Racine Federated, Inc.. (Fister, Anna) (Entered: 08/14/2006)
08/16/2006	<a href="#">17</a>	Motion for Leave to File First Amended Complaint filed by Douglas Groch. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Amended Complaint) (Boissoneault, Kevin) Modified on 8/17/2006 to edit attachments (B, T). (Entered: 08/16/2006)
08/17/2006	<a href="#">18</a>	Return of Service Unexecuted upon Racine Federated by certified mail attempted on 7/21/06 filed by Douglas Groch (Boissoneault, Kevin) (Entered: 08/17/2006)
08/17/2006	<a href="#">19</a>	Summons issued to counsel for service upon Racine Federated, Inc., at 8635 Washington Avenue, Racine, WI., 53406-3738. (B, T) (Entered: 08/17/2006)
08/22/2006	<a href="#">20</a>	Report of Parties' Planning Meeting filed by parties. (Boissoneault, Kevin) Modified on 8/24/2006 (B, T). (Entered: 08/22/2006)
08/25/2006	<a href="#">21</a>	Return of Service Executed upon Racine Federated by certified mail on postmark date 8/22/06 filed by Douglas Groch (Boissoneault, Kevin) (Entered: 08/25/2006)
08/31/2006	<a href="#">22</a>	Attorney Appearance by Elise W. Porter filed by on behalf of Jim Petro. (Porter, Elise) Modified on 9/1/2006 to note document Unsigned. Filer notified (B, T). (Entered: 08/31/2006)
09/05/2006	<a href="#">23</a>	Order of Case Management Conference held on 8/25/2006. Track: standard. Plaintiff's motion for leave to file an amended complaint is granted. Parties to submit joint or separate motions for leave to certify questions to the Ohio Supreme Court on or before September 15, 2006;

		proceedings stayed as to defendants Kard Corporation and Racine Federated, Inc. pending certification of questions to the Ohio Supreme Court or further court order. Discovery due by 3/30/2007. Dispositive Motions due by 5/1/2007; opposition due 6/1/07/ reply due 6/15/07 (as to General Motors). Settlement Conference set for 8/27/2007 at 4:00 PM. Jury Trial set for 9/25/2007 at 8:30 AM before Hon. James G. Carr with Voir Dire set for 9/24/2007 at 1:30PM before Magistrate Judge Vernelis K. Armstrong.. Signed by Judge James G. Carr on 9/5/2006. (S, A) Modified on 9/6/2006 (B, T). (Entered: 09/05/2006)
09/05/2006	<a href="#">24</a>	Amended complaint with jury demand against all defendants. Filed by plaintiffs. (S, A) Modified on 9/6/2006 (B, T). (Entered: 09/05/2006)
09/13/2006	<a href="#">25</a>	Answer to Amended Complaint (Related Doc # 24) filed by Jim Petro. (Porter, Elise) Modified on 9/14/2006 (B, T). (Entered: 09/13/2006)
09/15/2006	<a href="#">26</a>	Proposed Stipulation <i>For Extension of Time to Submit Motions for Leave to Certify Questions to the Ohio Supreme Court</i> filed by all parties. (Fister, Anna) (Entered: 09/15/2006)
09/15/2006	<a href="#">27</a>	First Proposed Stipulation <i>to move or plead to answer the Amended Complaint on or before October 19, 2006</i> filed by Kard Corporation, Racine Federated, Inc.. (Fister, Anna) (Entered: 09/15/2006)
09/19/2006	<a href="#">28</a>	Stipulation & Order granting the parties until 9/20/06 to submit joint or separate motions to certify questions to the Ohio Supreme Court (Related #26). Signed by Judge James G. Carr on 9/18/2006. (S, A) (Entered: 09/19/2006)
09/19/2006	<a href="#">29</a>	Stipulation & Order granting the defendants Kard and Racine Federated until 10/19/06 to respond to the amended complaint. Signed by Judge James G. Carr on 9/18/2006. (S, A) (Entered: 09/19/2006)
09/20/2006	<a href="#">30</a>	Joint Motion for <i>An Order Certifying Questions to the Ohio Supreme Court</i> filed by Kard Corporation, Racine Federated, Inc., Douglas Groch, Jim Petro. (Porter, Elise) (Entered: 09/20/2006)
10/09/2006	<a href="#">31</a>	Waiver of Summons by <i>General Motors</i> returned. Waiver mailed on 9/5/06 filed by Douglas Groch Related document(s) <a href="#">24</a> . (Boissoneault, Kevin) (Entered: 10/09/2006)
10/11/2006	<a href="#">32</a>	Order: the Clerk shall file the Order (presently to be found at pp. 7 through 11 of Document 30) certifying fourteen questions to the Ohio Supreme Court under Rule XVIII of the Rules of Practice of the Ohio Supreme Court (Related Doc # <a href="#">30</a> ). Signed by Judge James G. Carr on 10/11/2006.(S, A) (Entered: 10/11/2006)
10/11/2006	<a href="#">33</a>	Order Certifying Questions to the Ohio Supreme Court (see order for full details). Signed by Judge James G. Carr on 10/11/2006. (S, A) (Entered: 10/11/2006)
10/11/2006	<a href="#">34</a>	Certificate of Service re. Order Certifying Questions to the Ohio Supreme Court filed by Amy L. Schroeder, Courtroom Deputy. (S, A) Modified on 10/16/2006 (G, D). (Entered: 10/11/2006)

10/13/2006	● <u>35</u>	Second Motion to amend complaint and Motion for Reconsideration filed by Douglas Groch. (Attachments: # <u>1</u> Proposed Amended Complaint) (Boissoneault, Kevin) Modified on 10/16/2006 (G, D). (Entered: 10/13/2006)
10/16/2006	● <u>36</u>	<i>Joint Answer to First Amended Complaint (Related Doc # <u>24</u>)</i> filed by Kard Corporation, Racine Federated, Inc.. (Fister, Anna) Modified on 10/16/2006 (G, D). (Entered: 10/16/2006)
10/18/2006	● <u>37</u>	Waiver of Summons by <i>Kard Corporation and Racine Federated, Inc.</i> returned. Waiver mailed on 9/5/06 filed by Douglas Groch Related document(s) <u>24</u> . (Boissoneault, Kevin) (Entered: 10/18/2006)
10/19/2006	● <u>38</u>	<i>Brief in Opposition to Plaintiffs' Motion for Leave and Motion for Reconsideration</i> filed by Kard Corporation, Racine Federated, Inc.. (Eddy, Robert) (Entered: 10/19/2006)
10/25/2006	● <u>39</u>	Reply to response to Second Motion to amend complaint <i>and Motion for Reconsideration</i> filed by Douglas Groch. Related document(s) <u>35</u> . (Boissoneault, Kevin) (Entered: 10/25/2006)
11/27/2006	● <u>40</u>	Order: Plaintiff's motion for leave to file an amended complaint is granted. Plaintiff's motion for reconsideration granted; clerk to enter proposed order of certification forthwith, and cause same to be transmitted to the Supreme Court of Ohio (Related Doc # <u>35</u> ). Signed by Judge James G. Carr on 11/27/2006.(S, A) (Entered: 11/27/2006)
11/27/2006	● <u>41</u>	Amended complaint against all defendants. Filed by plaintiff. (S, A) (Entered: 11/27/2006)
11/27/2006	● <u>42</u>	Amended Order Certifying questions to the Ohio Supreme Court (see order for details). Signed by Judge James G. Carr on 11/27/2006. (S, A) (Entered: 11/27/2006)
11/27/2006	● <u>43</u>	Amended Notice of Certification of Service upon counsel. (S, A) (Entered: 11/27/2006)

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

**CERTIFICATE OF SERVICE**

3:06cv1604

In re: Douglas Groch v. General Motors Corporations, et al.

This is to certify that copies of the foregoing Order Certifying Question of State Law to the Supreme Court of Ohio was filed electronically on the 27th day of November, 2006, to all counsel of record listed below:

Kevin J. Boissoneault, Bonnie E. Haims, Russell Gerney  
Elise Porter  
Kimberly Donovan  
Patrick N. Fanning, David C. Vogel Dan E. Cranshaw  
Robert H. Eddy, Anna S. Fister

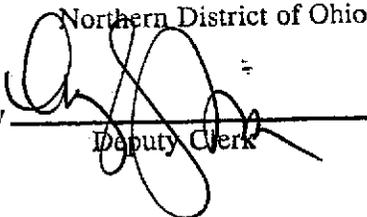
Geri M. Smith, Clerk of Court  
Northern District of Ohio

S/ Amy L. Schroeder  
Courtroom Deputy Clerk

Toledo, Ohio

I hereby certify that this instrument is a true and correct copy of the original on file in my office.  
Attest: Geri M. Smith, Clerk  
U.S. District Court  
Northern District of Ohio

By

  
Deputy Clerk