

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, EX REL., MUNICIPAL )  
CONSTRUCTION EQUIPMENT )  
OPERATORS' LABOR COUNCIL, *et al.*, ) Case No. 2006-2056  
)  
Relators )  
)  
vs. )  
)  
CITY OF CLEVELAND, *et al.*, )  
)  
Respondents. )

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**RESPONDENTS' MOTION, FILED UNDER SUP. CT. R. XIV, SECTION 6(A),  
FOR REFERRAL TO MEDIATION**

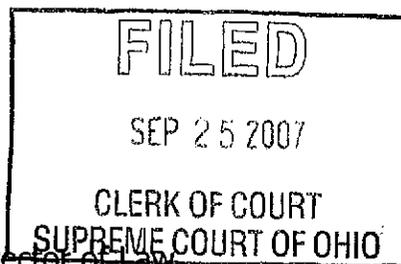
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## **MEMORANDUM IN SUPPORT**

Respondents' respectfully move this Court, under Sup. Ct. R. XIV, Section 6 (A), to have this case referred to mediation. Sup. Ct. R. XIV, Section 6 (A) allows the Court *sua sponte* or on motion to refer to a mediation attorney the Court deems appropriate. On August 15, 2007, the Court ordered that a Writ of Mandamus be granted in part to compel Respondents to pay the City's Construction-Equipment Operators and Master Mechanics the difference between the prevailing wage rates and the lower rates paid from May 1, 1994 through February 14, 2005, less the collective-bargaining offset of \$2,500.00 for those employees who worked from January 1, 2004 through January 31, 2005.

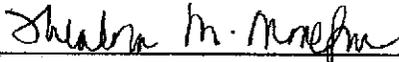
The Court did not grant a specific monetary award to the Relators. Further, the Court's Order does not resolve a number of factual issues that necessarily must be resolved in order to fully comply with this Court's Order. Respondents' Brief in Opposition to Relators' Motions to Show Cause and for Sanctions, describes in detail the factual issues that remain in this lawsuit. Referral to a mediation attorney will allow the parties opportunity to explore the remaining issues in this case and expedite the process, avoiding piecemeal litigation and motions, and aiding in resolution of all remaining issues.

**CONCLUSION**

For the reasons stated above, the Respondents respectfully request the Court refer this case to mediation under Sup. Ct. R. XIV, Section 6 (A).

Respectfully submitted,

ROBERT J. TRIOZZI  
Director of Law

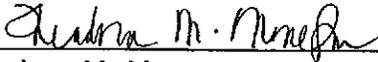
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ATTORNEYS FOR RESPONDENTS

**CERTIFICATE OF SERVICE**

Respondents mailed a copy of *Respondents' Motion for Referral to Mediation Filed under Sup. Ct. R. XIV, Section 6 (A)* on September 24, 2007, to the Attorney for Relators at the following address:

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