

No. 2008-0639

IN THE SUPREME COURT OF OHIO

ON APPEAL FROM THE STARK COUNTY COURT OF APPEALS,
FIFTH APPELLATE DISTRICT,
CASE NO. 2006 CA 00342

DAVID REICOSKY, dba TREES 4U, et al.,

Appellees,

v.

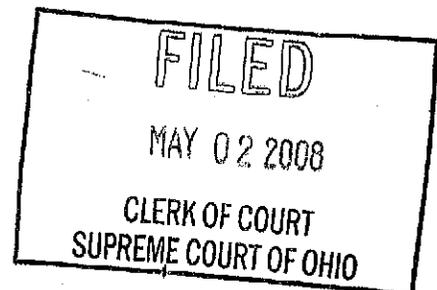
TONY McCAMMON, dba ROYAL GARDEN CENTER et al.,

Appellants.

NOTICE OF RULING ON MOTION TO CERTIFY A CONFLICT

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NOTICE OF RULING ON MOTION TO CERTIFY A CONFLICT

Pursuant to Supreme Court of Ohio Rules of Practice IV, Section 4(B), Appellants, Tony McCammon and Garnett McCammon, filed a Motion to Certify a Conflict with the Stark County Court of Appeals, Fifth Appellate District in Case No. 2006 CA 00342, on February 29, 2008. The Fifth Appellate District declared that motion moot on April 9, 2008, when the court vacated its February 19, 2008 Opinion and Judgment Entry, from which this appeal was taken. Appellants have filed a motion to dismiss this appeal.

Respectfully submitted,

BUCKINGHAM, DOOLITTLE & BURROUGHS, LLP



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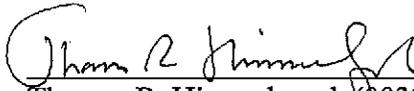
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CERTIFICATE OF SERVICE

A copy of the foregoing *Notice of Ruling On Motion to Certify a Conflict* was sent by regular U.S. mail to Don M. Benson and James J. Collum, counsel for plaintiff-appellee, at 4571 Stephen Circle NW, Canton, Ohio 44718, this 25th day of April, 2008.



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