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# In the Supreme Court of Ohio

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APPEAL FROM THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT  
HAMILTON COUNTY, OHIO  
CASE NOS. C-061013, C-061040, C-0700168, C-0700172

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MICHAEL HODESH  
*Defendant-Appellant,*

v.

JOEL KORELITZ, M.D., et al.,  
*Defendants-Appellees.*

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## MOTION OF APPELLEE PROASSURANCE COMPANY TO WITHDRAW FROM APPEAL

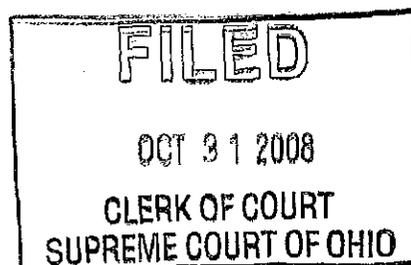
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Intervenor-Appellee ProAssurance Company (“ProAssurance”) respectfully seeks leave to withdraw from this appeal and an order dismissing it from the appeal. ProAssurance seeks to withdraw because the sole proposition of law accepted by this Court is unrelated to ProAssurance’s purpose for intervening in the post-trial proceedings of this matter, as more fully explained below.

Plaintiff-Appellant Michael Hodesh filed this appeal seeking review of the First District Court of Appeals’ unanimous conclusions that: 1) the non-disclosure of a “Mary Carter” agreement entered into between Plaintiff and one of the Defendants required reversal and a new trial; and 2) the trial court properly granted a directed verdict on Plaintiff’s punitive damage claim.

ProAssurance, which intervened at the trial court level to contest Plaintiff’s Motion for Prejudgment Interest, filed an Opposing Memorandum specifying that:

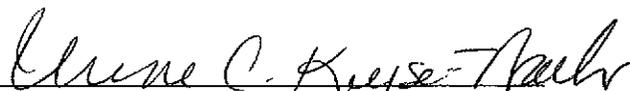
ProAssurance’s interest in this appeal lies in the issue of prejudgment interest and, more specifically, which prejudgment interest statute applies to this case. Although not set forth as a “proposition of law,” appellant Hodesh has implicitly raised the issue by mentioning interest in at least two places in his memorandum in support of jurisdiction.

(Opp. Mem. (7/14/08) at 1.)

On October 1, 2008, this Court accepted jurisdiction of the appeal, but only as to Appellant’s Proposition of Law No. 1 (relating to the undisclosed Mary Carter agreement). Since this Court has made it clear it will not be addressing “which prejudgment interest statute applies to this case,” ProAssurance’s interest in the appeal is

at an end. Therefore, ProAssurance Company respectfully moves this Court for leave to withdraw from the appeal and for an order dismissing it from the appeal.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

A copy of the foregoing has been served this 30th day of October, 2008, by U.S.

Mail, postage prepaid, upon the following:

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