

ORIGINAL

Supreme Court No. 2011-1120
(Related to Supreme Court Case No. 2011-1097)

IN THE SUPREME COURT OF OHIO

Ronald Luri,	:	On Appeal from the Cuyahoga
	:	County Court of Appeals,
Plaintiff-	:	
Appellant/Cross-Appellee,	:	Eighth Appellate District
	:	Court of Appeals
v.	:	Case No. 10-094908
	:	
Republic Services, Inc., et al.,	:	
	:	
Defendants-	:	
Appellees/Cross-Appellants.:	:	

FILED
MAR 16 2012
CLERK OF COURT
SUPREME COURT OF OHIO

**APPELLEES/CROSS-APPELLANTS' MOTION FOR SUMMARY REVERSAL,
FOR REMAND FOR NEW TRIAL CONSISTENT WITH THIS COURT'S HOLDING IN
HAVEL V. VILLA ST. JOSEPH, 2012-OHIO-552, AND, CONCOMITANTLY, TO
CANCEL ORAL ARGUMENT**

Proposition of Law No. 1 in this discretionary cross-appeal was "held" for *Havel v. Villa St. Joseph*, Supreme Court Case No. 2010-2148. That proposition of law concerns the constitutionality of the mandatory bifurcation provision in R.C. 2315.21(B). On February 15, 2012, this Court issued its decision in *Havel* and upheld the constitutionality of the mandatory bifurcation provision in R.C. 2315.21(B). *Havel v. Villa St. Joseph*, 2012-Ohio-552. The Court's decision in *Havel* is dispositive of this discretionary appeal and the related certified conflict appeal, Supreme Court Case No. 2011-1097, which was accepted by this Court on the same issue.

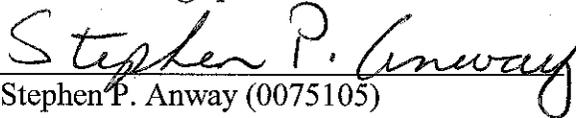
Oral argument has been scheduled in this discretionary appeal on a collateral issue for April 25, 2012. This Court's decision in *Havel*, however, has rendered that collateral issue moot.

Accordingly, Appellees/Cross-Appellants Republic Services, Inc., Republic Services of Ohio I, LLC, Republic Services of Ohio Hauling, LLC, Ronald Krall, and James Bowen (collectively, “Republic”) respectfully request an order summarily reversing the Eighth District Court of Appeals’ decision and remanding the case for a new trial consistent with this Court’s holding in *Havel* and, concomitantly, cancelling oral argument. A memorandum in support of this motion is filed contemporaneously herewith and is incorporated by reference as if fully restated herein.

Republic is simultaneously filing a similar motion and supporting memorandum in the related certified conflict appeal, Supreme Court Case No. 2011-1097.



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CERTIFICATE OF SERVICE

A copy of the foregoing was served via regular U.S. Mail this 16th day of March 2012

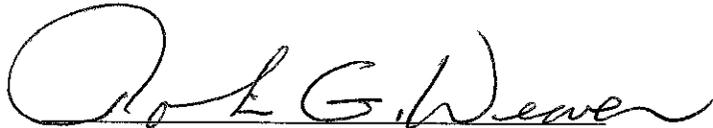
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