

ORIGINAL

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

IN THE SUPREME COURT OF OHIO

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

FILED
MAR 16 2012
CLERK OF COURT
SUPREME COURT OF OHIO

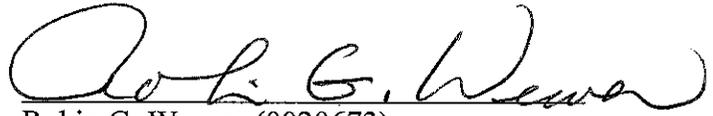
APPELLANTS' MOTION FOR SUMMARY REVERSAL
AND FOR REMAND FOR NEW TRIAL CONSISTENT WITH THIS COURT'S
HOLDING IN *HAVEL V. VILLA ST. JOSEPH*, 2012-OHIO-552

This certified conflict appeal was "held" for *Havel v. Villa St. Joseph*, Supreme Court Case No. 2010-2148. 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 certified conflict and requires reversal of the Eighth District Court of Appeals' judgment. It is also dispositive of the related discretionary appeal pending before this Court in Case Number 2011-1120. In that discretionary appeal, an oral argument is scheduled for April 25, 2012 on a collateral issue. This Court's decision in *Havel*, however, has rendered that collateral issue moot.

Accordingly, 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's decision and remanding the case for a new trial consistent with this Court's holding in *Havel*. A

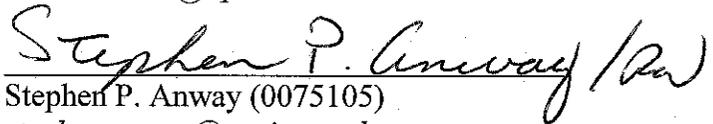
memorandum in support of this motion is filed contemporaneously herewith and is incorporated by reference as if fully restated herein.

Republic is simultaneously filing a similar motion and supporting memorandum in the related discretionary appeal, Supreme Court Case No. 2011-1120. In that related motion, Republic also requests that this Court cancel the oral argument scheduled for April 25, 2012.



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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

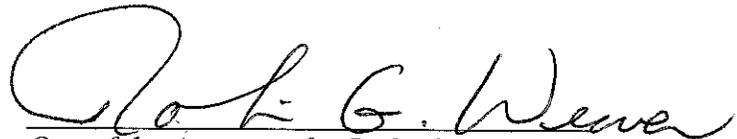
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