

No. 2011-2013

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## In the Supreme Court of Ohio

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APPEAL FROM THE COURT OF APPEALS  
EIGHTH APPELLATE DISTRICT  
CUYAHOGA COUNTY, OHIO  
CASE No. 10-96138

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LARRY HEWITT,  
*Plaintiff-Appellee,*

v.

THE L.E. MYERS COMPANY,  
*Defendant-Appellant.*

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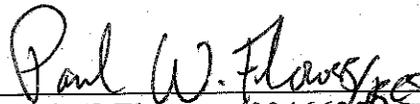
**JOINT MOTION TO SCHEDULE ORAL ARGUMENT ON THE SAME DATE AS  
*BRUCE R. HOUDEK V. THYSSENKRUPP MATERIALS N.A., INC., ET AL.,* CASE  
NO. 2011-1076**

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The parties, by and through counsel, respectfully move the Court to schedule oral argument in this case on the same day as oral argument in *Bruce R. Houdek v. Thyssenkrupp Materials N.A., Inc., et al.*, Case No. 2011-1076. Joint scheduling will best serve the interests of the Court and the parties. Both appeals present propositions of law addressing the scope of R.C. 2745.01, Ohio's employment intentional tort statute. While the appeals are distinct in various ways and should not be consolidated, the issues are related enough that joint scheduling of oral argument will aid the Court's and the parties'

discussion of the issues. For these reasons, the parties respectfully request that this Court schedule oral argument in both appeals on the same day.

Respectfully submitted,

 (per consent)

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing **Joint Motion to Schedule Oral Argument on the Same Date as *Bruce R. Houdek v. Thyssenkrupp Materials N.A., Inc., et al.***, Case No. 2011-1076 has been served this 1st day of May, 2012, by U.S. Mail, postage prepaid, upon the following:

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