

ORIGINAL

IN THE SUPREME COURT OF OHIO

Vernon L. Tribett, et al.,)	
)	Sup. Ct. Case No. 2014-1966
Plaintiffs-Appellees)	
)	On Appeal from the Belmont County
vs.)	Court of Appeals, Seventh Appellate
)	District, Case No: 13-BE-22
Barbara Shepherd, et al.,)	
)	
Defendants-Appellants)	
)	
)	
)	

**APPELLEES' RESPONSE TO APPELLANTS' MOTION FOR CLARIFICATION
REGARDING SUA SPONTE ORDER DATED FEBRUARY 10, 2016**

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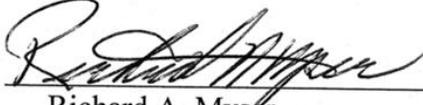
RESPONSE

Pursuant to the Court's Order dated March 11, 2016, the Appellees hereby file their Response objecting to Appellants Motion for Clarification regarding the *Sua Sponte* Order Dated February 10, 2016.

A memorandum in support of this response is attached.

Respectfully submitted,

MYSER & DAVIES

By: 

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Susan M. Tribett, and Susan M. Tribett as
substitute for Vernon L. Tribett

MEMORANDUM IN SUPPORT

I. ARGUMENT

Appellants have filed their motion with this Court asking the Court to lift its stay of the briefing schedule (see 04-29-15 *Case Announcements*, 2015-Ohio-1591) only as to Propositions of Law Nos. III and VII. Appellees oppose this motion.

Appellants contend that the Propositions of Law Nos. I, II, IV, V and VI are identical to the propositions of law currently pending before this Court in *Walker vs Shondrick-Nau*. Appellees submit that while the issues may be similar they are not identical in all respects and the facts in each case are not identical and as a result should be considered separately.

Furthermore Appellees did not file Amicus Cauri briefs in the *Walker* case nor the other Dormant Minerals Act cases currently pending before this Court in reliance upon its opportunity to brief and argue these propositions of law before the Court in its own case.

II. CONCLUSION

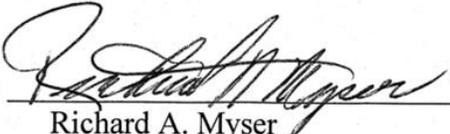
For the above stated reasons the Appellees respectfully and adamantly oppose the Appellants motion to limit the *sua sponte* stay of the briefing schedule to only Propositions of Law Nos. III and VII and ask that the parties be permitted to brief and argue all seven of the propositions of law the Court accepted jurisdiction over in its Entry dated April 25, 2015.

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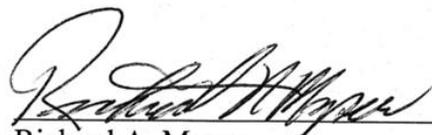
Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a photocopy of Appellees Response to Appellants' Motion for Clarification Regarding *Sua Sponte* Order dated February 10, 2016 was served by regular United States mail, first-class postage prepaid, upon Matthew W. Warnock and Daniel E. Gerken, Bricker & Eckler LLP, 100 South Third Street, Columbus, Ohio 43215, attorneys for Defendants-Appellants, this 16th day of March, 2016.


Richard A. Myser
Attorney for Plaintiffs-Appellees