

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

August 10, 2005

[Cite as *08/10/2005 Case Announcements #2*, 2005-Ohio-4096.]

MOTION AND PROCEDURAL RULINGS

2005-0867. State ex rel. Toledo Blade Co. v. Ohio Bur. of Workers' Comp.

In Mandamus. This cause came on for further consideration of relator's motion for an order holding respondents in contempt, for sanctions, for the appointment of a receiver, and for other ancillary relief. Upon consideration thereof, and in accordance with the court's entry of August 8, 2005,

IT IS ORDERED that Lawrence R. Elleman of Cincinnati, Ohio, is appointed as a receiver.

IT IS FURTHER ORDERED that no later than August 11, 2005, counsel for respondents shall provide the receiver with all documents or redacted portions thereof that he has thus far determined to withhold from relator, along with an initial report to the receiver. The initial report shall include a statement as to how many documents have been reviewed by respondents' counsel and how many documents remain to be reviewed, a complete list of any and all documents or redacted portions thereof that have been withheld from relator, and a corresponding explanation of why each document or redacted portion thereof was withheld. Thereafter, counsel for respondents shall continue to provide the receiver with all withheld documents or redacted portions thereof, along with additional reports, as provided in the court's entry of August 8, 2005.

IT IS FURTHER ORDERED that the receiver shall receive and examine the withheld documents or redacted portions thereof in confidence, taking all reasonable measures to ensure their secrecy, for the purpose of ascertaining the propriety of their release to relator in accordance with the court's July 13, 2005 decision granting a peremptory writ of mandamus. In deciding whether the withheld documents or redacted portions thereof should have been released to relator, the receiver shall interpret and apply the court's July 13, 2005 decision broadly in favor of disclosure and shall consider all records pertaining to traceable

sums from the Bureau of Workers' Compensation, ultimate sources, recipients, and beneficiaries of the coin funds, or the disposition of proceeds from the coin transactions to be within the parameters of the writ.

IT IS FURTHER ORDERED that the receiver shall provide the court with an initial report by August 22, 2005. The report shall contain two separate lists: (1) documents or redacted portions thereof clearly beyond the scope of the writ, and (2) documents or redacted portions thereof clearly or arguably within the scope of the writ. Both lists shall include the receiver's opinion as to why each document or redacted portions thereof should or should not have been disclosed, but only the latter list shall be accompanied by copies of the listed documents or redacted portions thereof. Thereafter, using the same format as in his initial report, the receiver shall provide additional reports to the court as necessary or as soon as practicable after receiving subsequent reports from respondents. All reports and documents furnished to the court shall be under seal. Upon consideration of the receiver's reports and an in camera inspection of the documents, the court will determine whether respondents have fully complied with the peremptory writ.

Alice Robie Resnick, Acting C.J.

Thomas F. Bryant, J., of the Third Appellate District, sitting for Moyer, C.J.

Thomas J. Grady, J., of the Second Appellate District, sitting for Lundberg
Stratton, J.

Robert H. Gorman, J., of the First Appellate District, sitting for O'Connor, J.

Diane Karpinski, J., of the Eighth Appellate District, sitting for O'Donnell, J.

Michael J. Corrigan, J., of the Eighth Appellate District, sitting for
Lanzinger, J.