

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

October 7, 2005

[Cite as *10/07/2005 Case Announcements #2*, 2005-Ohio-5361.]

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, respondents' combined response to the court's July 28, 2005, show-cause contempt order and memorandum opposing relator's motion, and respondents' September 26, 2005, notice of compliance with the court's entry of September 19, 2005. Upon consideration thereof,

IT IS ORDERED by the court that respondents are found not to be in contempt of the court's July 13, 2005, peremptory writ of mandamus to compel them to provide access to the requested records. Respondents are found to have substantially complied with the commands of the writ, and, therefore, relator's motion for an order holding respondents in contempt and for related monetary sanctions is denied.

IT IS FURTHER ORDERED that all fees and expenses for services reasonably required of the receiver to perform his duties pursuant to the court's entry of August 10, 2005, shall be charged to and paid by respondents. Respondents' actions prior to July 28, 2005 are found to have necessitated the appointment of a receiver to oversee their compliance with the writ. A copy of the receiver's application for payment of fees and expenses, filed September 30, 2005, shall be provided to respondents along with this entry. Respondents may file a response to the application within ten days of the date this entry.

IT IS FURTHER ORDERED that relator is awarded attorney fees relating to its motion for the appointment of a receiver. Relator shall file a bill and documentation in support of an award for attorney fees, in accordance with the guidelines set forth in DR 2-106, within ten days of the date of this entry; respondents may file objections to relator's bill and documentation within ten days

of the filing of the bill and documentation; and relator may file a reply to respondents' objections, if any, within five days of the filing of the objections.

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.