

AMERICAN MUNICIPAL POWER, INC. v. BECHTEL POWER CORPORATION.
[Cite as *Am. Mun. Power, Inc. v. Bechtel Power Corp.*, 146 Ohio St.3d 251,
2016-Ohio-3431.]

Certified question sua sponte declined—Cause dismissed.

(No. 2014-1847—Submitted October 27, 2015—Decided June 16, 2016.)

ON ORDER from the United States District Court for the Southern District of Ohio,
Eastern Division, Certifying a Question of State Law,
No. 2:11-cv-131.

{¶ 1} Having considered all the arguments in this case, the court, sua sponte, exercises its discretion under S.Ct.Prac.R. 9.01(A), declines to answer the certified question, and dismisses the cause.

O’CONNOR, C.J., and PFEIFER, O’DONNELL, LANZINGER, and O’NEILL, JJ., concur.

KENNEDY and FRENCH, JJ., dissent.

Taft, Stettinius & Hollister, L.L.P., Stephen C. Fitch, David J. Butler, and Celia M. Kilgard; and Shapiro, Lifschitz & Schram and Judah Lifschitz, for petitioner.

Vorys, Sater, Seymour & Pease, L.L.P., William G. Porter, and Douglas R. Matthews; and Pepper Hamilton, L.L.P., Michael P. Subak, and Richard W. Folz Jr., for respondent.

Wesp Barwell, L.L.C., and Gregory P. Barwell, for amicus curiae, Ohio Counsel of Retail Merchants, in support of respondent.
