

**SUPREME COURT OF OHIO**

**COLUMBUS**

**ANNOUNCEMENT**

FRIDAY  
January 21, 2000

**MOTION DOCKET**

**99-1142. State ex rel. OHIC Ins. Co. v. Ohio Ins. Guar. Assn.**

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. Relators seek a writ of mandamus permanently directing respondent (“OIGA”) from seeking to assert the position that R.C. 3955.13(A) mandates the exhaustion of the available insurance coverage of all co-defendants before the OIGA will satisfy its statutory obligations on behalf of former insureds of Physicians Insurance Exchange Mutual Insurance Company (“PIE”).

On December 10, 1999, relators filed a motion requesting a ninety-day stay of all trials involving medical malpractice actions, currently pending in Ohio, involving an OHIC insured, and where the issue of exhaustion under R.C. 3955.13(A) is being asserted by the OIGA. Relators assert that a stay of trial dates in these cases is necessary to protect the interests of tort claimants, PIE insureds, and non-PIE co-defendants insured by OHIC. Upon consideration thereof,

IT IS ORDERED by the court that the motion for a ninety-day stay be, and hereby is, granted.

This order is entered, *nunc pro tunc*, effective January 19, 2000, and the stay shall remain in effect for ninety days from that date unless otherwise ordered by the court.

Douglas and Pfeifer, JJ., dissent.

## MISCELLANEOUS DISMISSALS

**99-566. Rivera v. Lake Terminal RR. Co.**

Lorain App. No. 97CA006722. This cause is pending before the court as an appeal from the Court of Appeals for Lorain County. Upon consideration of appellant's application for dismissal,

IT IS ORDERED by the court that the application for dismissal be, and hereby is, granted.

ACCORDINGLY, IT IS FURTHER ORDERED by the court that this cause be, and hereby is, dismissed.

IT IS FURTHER ORDERED that the appellee recover from the appellant its costs herein expended, that a mandate be sent to the Court of Common Pleas of Lorain County to carry this judgment into execution, and that a copy of this entry be certified to the Clerk of the Court of Appeals for Lorain County for entry.