

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Mentor Exempted Village School Dist. Bd. of Edn. v. Mohat*, Slip Opinion No. 2011-Ohio-1421.]

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SLIP OPINION NO. 2011-OHIO-1421

**MENTOR EXEMPTED VILLAGE SCHOOL DISTRICT BOARD OF EDUCATION ET AL.
v. MOHAT ET AL.**

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Certified question of state law dismissed as having been improvidently accepted.
(No. 2010-0951 — Submitted February 16, 2011 — Decided March 30, 2011.)

ON ORDER from the United States District Court, Northern District of Ohio, Eastern Division, Certifying a Question of State Law, No. 1:09 CV 688.

{¶ 1} On May 27, 2010, the United States District Court, Northern District of Ohio, Eastern Division, certified the following question of state law to this court: “Whether, under Ohio law an action filed on behalf of a decedent *before* an estate is legally established by someone who is *not* a legally appointed administrator or personal representative (i.e., is without the capacity to sue on the decedent’s behalf), are barred by the statute of limitations if later, after the running of the statute of limitations but before resolution of the claims, an estate

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is legally established and an administrator or personal representative is duly appointed and named in the Complaint – or whether the formation of the estate and the appointment of the administrator relates back to the original filing of the claims?” 126 Ohio St.3d 1542, 2010-Ohio-3855, 932 N.E.2d 337. On February 16, 2011, we heard oral argument in this cause.

{¶ 2} Sua sponte, we now conclude that the certified question of state law was improvidently accepted for review. Accordingly, this cause is dismissed.

O’CONNOR, C.J., and PFEIFER, LUNDBERG STRATTON, O’DONNELL, LANZINGER, CUPP, and MCGEE BROWN, JJ., concur.

Britton, Smith, Peters & Kalail Co., L.P.A., David Kane Smith, Krista Keim, and Lindsay Ferg Gingo, for petitioners.

Kenneth D. Myers, for respondents.

Paul W. Flowers Co., L.P.A., and Paul W. Flowers; and Elk & Elk Co., Ltd., and Peter D. Traska, in support of respondents for amicus curiae Ohio Association for Justice.

Zagrans Law Firm, L.L.C., and Eric H. Zagrans, in support of respondents for amicus curiae Nikki C. Hardy.
