

**BOARD OF STATE TEACHERS RETIREMENT SYSTEM OF OHIO, APPELLEE, v.
MEDCO HEALTH SOLUTIONS, INC., ET AL., APPELLANTS.**

[Cite as *Bd. of State Teachers Retirement Sys. of Ohio v. Medco Health Solutions, Inc.*, 113 Ohio St.3d 1256, 2007-Ohio-2206.]

Discretionary appeals not accepted.

(Nos. 2006-2169, 2006-2170, and 2006-2171 — Submitted April 4, 2007 —
Decided May 23, 2007.)

APPEALS from the Court of Appeals for Hamilton County,
Nos. C-060759, C-060786, and C-060787.

{¶ 1} These cases are pending before the court as discretionary appeals. In orders issued on December 19, 2006, the court consolidated the appeals in these cases and held consideration of whether to accept the appeals for review for the decision in case Nos. 2006-2006, 2006-2172, and 2006-2173, *State ex rel. Bd. of State Teachers Retirement Sys. of Ohio v. Davis*.

{¶ 2} Upon consideration, these appeals are not accepted for review. Appellee's motions to dismiss these appeals are denied as moot.

MOYER, C.J., PFEIFER, LUNDBERG STRATTON, O'CONNOR, O'DONNELL, LANZINGER and CUPP, JJ., concur.

Waite, Schneider, Bayless & Chesley Co., L.P.A., Stanley M. Chesley, Paul M. DeMarco, Robert Heuck II, and W.B. Markovits, for appellee.

Roetzel & Andress, L.P.A., Ronald S. Kopp, and Stephen W. Funk, for appellants Medco Health Solutions, Inc., and affiliated companies, and Merck & Co., Inc.

SUPREME COURT OF OHIO

Thompson Hine, L.L.P., Earle Jay Maiman, and Stephen L. Richey; and Williams & Connolly, L.L.P., William E. McDaniels, Enu Mainigi, and Jennifer Wicht, for appellants Medco Health Solutions, Inc., and affiliated companies.

Thompson Hine, L.L.P., and Renee S. Filiatraut, for appellant Merck & Co., Inc.

Joseph T. Deters, Hamilton County Prosecuting Attorney, and Christian J. Schaefer and Colleen McCarren, Assistant Prosecuting Attorneys, for appellant Judge David P. Davis.
