

**THE STATE EX REL. GILBERT ET AL., APPELLANTS, v. CITY OF
CINCINNATI ET AL., APPELLEES.**

**[Cite as *State ex rel Gilbert v. Cincinnati*,
122 Ohio St.3d 32, 2009-Ohio-2360.]**

Appeal dismissed as moot.

(No. 2008-0029 — Submitted April 21, 2009 — Decided May 27, 2009.)

APPEAL from the Court of Appeals for Hamilton County, No. C-070166, 174
Ohio App.3d 89, 2007-Ohio-6332.

{¶ 1} This cause is before the court upon appellants’ appeal from a judgment of the court of appeals denying a writ of mandamus.

{¶ 2} On June 12, 2008, we granted appellants’ motion for a partial remand to allow the court of appeals to rule on the motion for relief from judgment that appellants had filed in that court. The court of appeals subsequently granted the motion for relief from judgment and, on March 13, 2009, granted the writ of mandamus sought by appellants. *State ex rel. Gilbert v. Cincinnati*, Hamilton App. No. C-070166, 2009-Ohio-1078.

{¶ 3} Accordingly, this cause is dismissed as moot.

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

Manley Burke, L.P.A., Matthew W. Fellerhoff, and Daniel J. McCarthy,
for appellants.
