

# The Supreme Court of Ohio

FILED

SEP 03 2014

CLERK OF COURT  
SUPREME COURT OF OHIO

Mary Lou Burkhart

v.

H.J. Heinz Co. et al.

Case No. 2013-0580

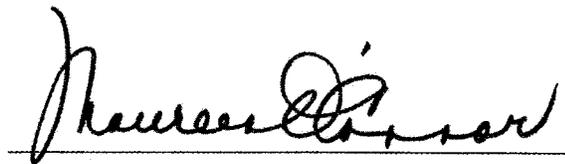
JUDGMENT ENTRY

APPEAL FROM THE  
COURT OF APPEALS

This cause, here on appeal from the Court of Appeals for Wood County, was considered in the manner prescribed by law. On consideration thereof, the judgment of the court of appeals is reversed as to the admissibility of Donald Burkhart's deposition testimony, and the matter is remanded to the trial court to consider whether the remaining evidence creates a genuine issue of material fact regarding his injurious exposure to asbestos in the workplace, consistent with the opinion rendered herein.

It is further ordered that mandates be sent to and filed with the clerks of the Court of Appeals for Wood County and the Court of Common Pleas for Wood County.

(Wood County Court of Appeals; No. WD-12-008)



Maureen O'Connor  
Chief Justice