

**IN THE SUPREME COURT OF OHIO
CASE NO. 05-1689**

State of Ohio, ex rel.	:	
David M. Gross,	:	
	:	
Appellee,	:	Case No. 05-1689
	:	
v.	:	On Appeal from the Franklin County
	:	Court of Appeals, Tenth Appellate
	:	District
	:	
The Industrial Commission of Ohio, et al.,	:	
	:	
Appellants.	:	

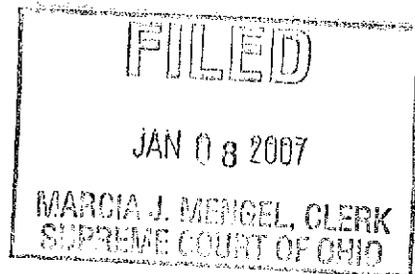
**MEMORANDUM OF THE FRATERNAL ORDER OF POLICE OF OHIO, INC.,
AS *AMICUS CURIAE*, IN SUPPORT OF APPELLEE,
DAVID M. GROSS, MOTION FOR RECONSIDERATION**

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MOTION FOR LEAVE

Pursuant to Supreme Court Rule XI, now come *amicus curiae*, the Fraternal Order of Police of Ohio, Inc. (FOP), and moves this Court for leave to file a Motion in Support of Appellee-Relator's Motion for Reconsideration.

Because significant legal repercussions will occur due to this *Per curiam* decision, the FOP has joined in this action as *amicus curiae* in support of David Gross' position. The FOP believes the issue before this Court is of crucial significance to the future of the workers' compensation system. The FOP asks this Court to reconsider its *Per curiam* decision finding that Gross' firing stemming from his negligence bars the payment of temporary total disability compensation.

STATEMENT OF INTEREST

The Fraternal Order of Police of Ohio, Inc. is Ohio's largest law enforcement organization representing officers at the local, county, state and federal level. Chartered in 1934, the FOP of Ohio is a non-profit organization boasting a membership of over 25,000 with close to 200 local lodges. The FOP of Ohio is dedicated to the advancement and protection of law enforcement officers and their families. We promote improved law enforcement methods and the teaching of respect for law and order. The FOP of Ohio is committed to representing its members through education, leadership, governmental involvement and employee representation.

LAW AND ARGUMENT

The Fraternal Order of Police of Ohio, Inc. files this memorandum in support of David Gross' request for Reconsideration, and asks this Court to reconsider its decision. As such, the Fraternal Order of Police of Ohio, Inc., adopts in full, and hereby

incorporates, the Memorandum of the Ohio Academy of Trial Lawyers, as *Amicus Curiae*, in Support of Appellee's, David M. Gross, Motion for Reconsideration, previously filed.

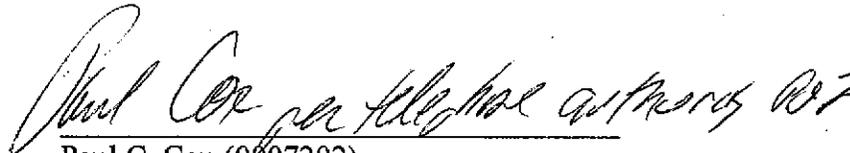
Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing "Memorandum of the Fraternal Order of Police of Ohio, Inc., As *Amicus Curiae*, In Support of Appellee-Relator's, David M. Gross, Motion for Reconsideration," as served upon Gary D. Plunkett, Hochman & Plunkett, 3077 Kettering Blvd., Point West, Suite 210, Dayton, OH 45439, Edna Scheuer, Scheuer, Mackin & Breslin, 11025 Reed Hartman Highway, Cincinnati, OH 45242, Andrew J. Alatis, Assistant Attorney General, Workers' Compensation Department, State of Ohio, 150 E. Gay Street, 22nd Floor, Columbus, OH 43215, Philip J. Fulton, Philip J. Fulton Law Office, 89 E. Nationwide Blvd., Suite 300, Columbus, OH 43215, postage prepaid, by regular U.S. Mail, this 8th day of January, 2007.



Paul C. Cox (0007202)