

For its Answer to the complaint in mandamus, Respondent Industrial Commission of Ohio ("Commission") states as follows:

FIRST DEFENSE

1. The Commission admits the allegations set forth in paragraphs 1 through 6 of the complaint.
2. The Commission denies the allegations set forth in paragraphs 7 through 11 of the complaint.

SECOND DEFENSE

3. The Court lacks subject matter jurisdiction over the case.

THIRD DEFENSE

4. Relator had a plain and adequate remedy at law that Relator failed to follow.

FOURTH DEFENSE

5. Relator's complaint fails to state a claim upon which relief can be granted.

WHEREFORE, Respondent Commission respectfully requests that this Court deny the writ and dismiss Relator's complaint with prejudice.

Respectfully submitted,

MARC DANN
Attorney General of Ohio



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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Answer was mailed by regular U.S. Mail, postage prepaid, on this 13th day of February, 2008, to:

Angela D. Marinakis
673 Mohawk Street, 4th Floor
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ELISE PORTER
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