

IN THE SUPREME COURT OF OHIO

STATE ex rel. BRUCE BENNETT

Appellant,

-vs-

THE INDUSTRIAL COMMISSION
OF OHIO, et al.,

Appellees.

CASE NO. **08-1860**

On Appeal from the Franklin
County Court of Appeals
Tenth Appellate District

Court of Appeals
Case No. 07AP-481

NOTICE OF APPEAL OF APPELLANT BRUCE BENNETT

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Notice of Appeal of Appellant Bruce Bennett

Appellant, Bruce Bennett, hereby gives notice of appeal to the Supreme Court of Ohio from the judgment entry of the Franklin County Court of Appeals, Tenth Appellate District, entered in Court of Appeals case No. 07AP-481, on August 28, 2008.

This case originated as an original action in mandamus in the Franklin County Court of Appeals and hereby gives rise to an appeal as of right.



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CERTIFICATE OF SERVICE

A copy of the foregoing Notice of Appeal was sent by ordinary U.S. mail this 17th day of September, 2008, to:

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Counsel for Appellee,
Industrial Commission of Ohio.



Richard F. Brian (0020818),
Counsel for Appellant.



IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

FILED
COURT OF APPEALS
TENTH APPELLATE DISTRICT

2008 AUG 28 PM 1:00

CLERK OF COURTS

State ex rel. Bruce A. Bennett, :
Relator, :
v. :
The Industrial Commission of Ohio and :
Northeastern of Ohio Contracting Comp., :
Respondents. :

No. 07AP-481

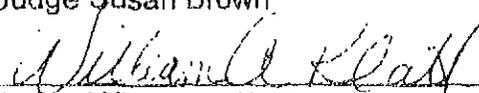
(REGULAR CALENDAR)

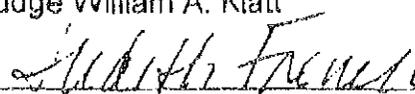
JUDGMENT ENTRY

For the reasons stated in the decision of this court rendered herein on August 28, 2008, relator's objections to the decision of the magistrate are sustained to the extent provided in the decision. Although we agree with the magistrate's findings of fact, for the reasons set forth in the decision, we do not adopt the conclusions of law or recommendation of the magistrate. It is the judgment and order of this court that the requested writ of mandamus is denied. Costs are assessed against relator.

Within three (3) days from the filing hereof, the clerk of this court is hereby ordered to serve upon all parties not in default for failure to appear, notice of this judgment and its date of entry upon the journal.



Judge Susan Brown


Judge William A. Klatt


Judge Judith L. French