

IN THE SUPREME COURT OF OHIO

STATE ex rel. FORD MOTOR
COMPANY, SHARONVILLE
TRANSMISSION PLANT,

APPELLANT

V.

EMMA R. JOHNSON, ET AL.

APPELLEES

CASE NO.

08-2220

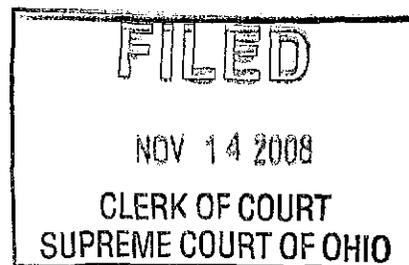
(ON APPEAL FROM TENTH DISTRICT
COURT OF APPEALS, CASE NO. 07AP-
1084)

**NOTICE OF APPEAL OF APPELLANT FORD MOTOR COMPANY, SHARONVILLE
TRANSMISSION PLANT**

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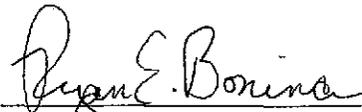


**NOTICE OF APPEAL OF APPELLANT-RELATOR FORD MOTOR COMPANY,
SHARONVILLE TRANSMISSION PLANT**

Appellant Ford Motor Company, Sharonville Transmission Plant, hereby gives notice of appeal to the Supreme Court of Ohio from the Judgment of the Tenth District Court of Appeals, entered on September 30, 2008 in State ex rel. Ford Motor Company, Sharonville Transmission Plant v. Johnson, Case No. 07AP-1084.

The case originated in the Court of Appeals as an original action in mandamus. Pursuant to Rule III, Section 2(B)(2) of the Rules of Practice of The Supreme Court of Ohio, a date-stamped copy of the Court of Appeals' Judgment Entry is attached hereto.

Respectfully submitted,



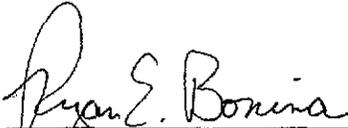
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing has been served upon the following parties via regular U.S. Mail, postage prepaid this 14th day of November, 2008:

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IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

FILED
2008 SEP 30 PM 4:20
CLERK OF COURTS

State ex rel. Ford Motor Company,
Sharonville Transmission Plant,

Relator,

v.

Emma R. Johnson and The Industrial
Commission of Ohio,

Respondents.

No. 07AP-1084

(REGULAR CALENDAR)

JUDGMENT ENTRY

For the reasons stated in the decision of this court rendered herein on September 25, 2008, relator's objections to the decision of the magistrate are overruled, and the decision of the magistrate, as amended in our decision, is approved and adopted by the court as its own. It is the judgment and order of this court that a writ of mandamus issue against respondent Industrial Commission that is limited to ordering the commission to amend its staff hearing officer's order of February 16, 2005, by eliminating reliance upon H. Paul Lewis, M.D.'s report and starting claimant's permanent total disability award as of May 4, 2004, which is the date of James T. Lutz, M.D.'s examination. Finding that relator has failed to show a clear legal right to the relief requested or that the commission is under a clear legal duty to perform the act sought by relator, we deny relator's request for a writ of mandamus ordering the commission to vacate its award of permanent disability compensation to claimant. Costs shall be 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 Charles R. Petree



Judge G. Gary Mack



Judge Thomas F. Bryant, retired, of the Third Appellate District, assigned to active duty under authority of Section 6(C), Article IV, Ohio Constitution.