

**REQUEST FOR ORAL ARGUMENT OF APPELLANT FEDEX GROUND PACKAGE
SYSTEM, INC.**

Pursuant to Section 2(B) of Rule IX of the Rules of Practice of the Supreme Court of Ohio, appellant FedEx Ground Package System, Inc. respectfully requests that the Court schedule oral argument of this matter after appellant FedEx Ground Package System, Inc. has filed its reply brief. Appellant FedEx Ground Package System, Inc. requests oral argument because this case involves the important legal issue of the proper manner of calculating average weekly wage. This issue was last addressed by this court in 1933. Oral argument may further clarify the arguments and assist the Court in making a decision.

Respectfully submitted,

EASTMAN & SMITH LTD.

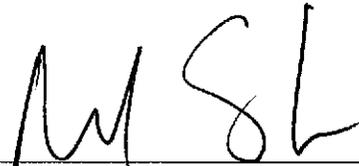


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CERTIFICATE OF SERVICE

I certify that a copy of this **REQUEST FOR ORAL ARGUMENT OF APPELLANT FEDEX GROUND PACKAGE SYSTEM, INC.** was sent by ordinary U.S. Mail on this 4th day of September, 2009 to Theodore Bowman, Esq., 3516 Granite Circle, Toledo, Ohio, 43617, attorney for Appellee Christopher Roper and to Gerald Waterman, Assistant Attorney General, Workers' Compensation Section, 150 E. Gay Street, 22nd Floor, Columbus, Ohio 43215, attorney for Appellee Industrial Commission of Ohio.

A handwritten signature in black ink, consisting of the letters 'M', 'S', and 'L' in a stylized, cursive font.

Counsel for Appellant
FedEx Ground Package System, Inc.