

ORIGINAL

NOTICE OF APPEAL FROM A COURT OF APPEALS

IN THE SUPREME COURT OF OHIO

09-2155

State of Ohio ex rel. Shawn M. Adkins	:	On Appeal from the Franklin County
Relator	:	Court of Appeals,
v.	:	Tenth Appellate District
Industrial Commission of Ohio and Akron	:	Appellate District
Paint and Varnish, Inc.,	:	Court of Appeals
Respondents	:	Case Number 08AP-979

NOTICE OF APPEAL OF APPELLANT AKRON PAINT AND VARNISH, INC.

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and

Kevin J. Reis (Counsel of Record)
 Assistant Attorney General
 State of Ohio - Workers' Compensation Section
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 Columbus Ohio 43215

COUNSEL FOR STATE OF OHIO

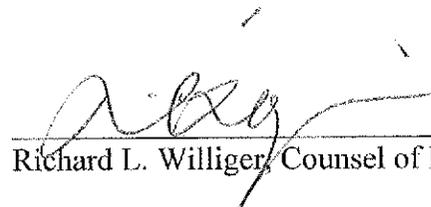
FILED
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 SUPREME COURT OF OHIO

Notice of Appeal of Appellant Akron Paint & Varnish, Inc.

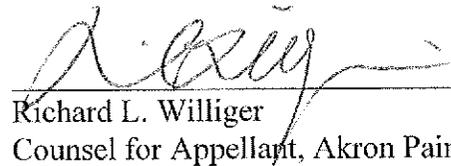
Appellant Akron Paint & Varnish, Inc., through counsel hereby gives notice of appeal to the Supreme Court of Ohio from the judgment of the Franklin County Court of Appeals, Tenth Appellate District, entered in Court of Appeals case No. 08AP-979, November 5, 2009. This case is appealed of right from a case that originated in the Court of Appeals, pursuant to Rules of Practice of the Supreme Court of Ohio, Rule II(1)(A)(1).

Respectfully Submitted,


Richard L. Williger, Counsel of Record

Certificate of Service

I certify that a copy of this Notice of Appeal was sent by ordinary U.S. mail to counsel for Appellees, Thomas R. Pitts, and Kevin J. Reis, at the addresses shown hereinabove, on this 25th day of November, 2009.


Richard L. Williger
Counsel for Appellant, Akron Paint &
Varnish

VX

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

FILED
COURT OF APPEALS
FRANKLIN CO. OHIO

2009 NOV -5 PM 1:52

CLERK OF COURTS

State of Ohio ex rel. Shawn M. Adkins, :

Relator, :

v. :

No. 08AP-979

Industrial Commission of Ohio and Akron
Paint and Varnish, Inc., :

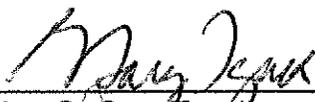
(REGULAR CALENDAR)

Respondents. :

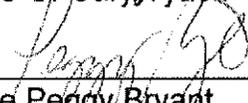
JUDGMENT ENTRY

For the reasons stated in the decision of this court rendered herein on November 3, 2009, we adopt the findings of fact but not the conclusions of law. As a result, we sustain the second objection to the magistrate's decision and issue a writ of mandamus compelling the commission to vacate its finding that Shawn M. Adkins voluntarily abandoned his employment with Akron Paint and to compel the commission to determine if Adkins is or was otherwise entitled to TTD compensation. Costs shall be assessed against respondent Industrial Commission of Ohio.

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 G. Gary Tyack



Judge Peggy Bryant



Judge John A. Connor