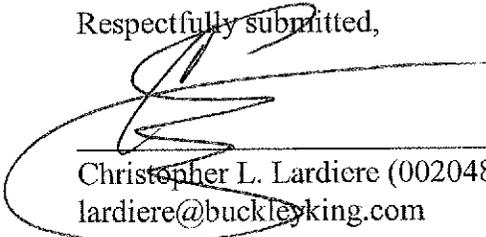


Notice is hereby given that Appellant, The Kenny Huston Co., appeals to the Supreme Court of Ohio from the judgment of the Franklin County Court of Appeals, Tenth Appellate District of Ohio, entered in Case No. 08AP -201 on March 30, 2010.

This case originated in the court of appeals, and thus this is an appeal of right pursuant to S.Ct. Prac. R. 2.1(A)(1). A date-stamped copy of the court of appeals' judgment entry is attached to this Notice.

Respectfully submitted,



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OF COUNSEL:

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Attorney for Respondent-Appellant,
The Kenny Huston Company

CERTIFICATE OF SERVICE

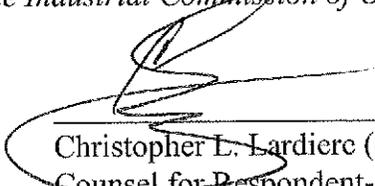
The undersigned hereby certifies that a true and accurate copy of the foregoing Notice of Appeal was served via first class U.S. mail, postage prepaid, this 20th day of April, 2010, upon:

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2010 MAR 30 PM 4:11
CLERK OF COURTS

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

State ex rel. Catherine M. Donohoe, :
Relator, :
v. :
The Industrial Commission of Ohio :
and The Kenny Huston Co., :
Respondents. :

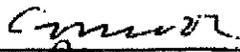
No. 08AP-201

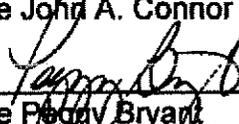
(REGULAR CALENDAR)

JUDGMENT ENTRY

For the reasons stated in the decision of this court rendered herein on March 30, 2010, we adopt the findings of fact issued in the magistrate's decision and modify the conclusions of law in accordance with our decision. We therefore issue a writ of mandamus ordering the commission to vacate its order denying relator's application for a VSSR and to reconsider the VSSR application in a manner consistent with our decision.

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 John A. Connor


Judge Peggy Bryant


Judge William A. Klatt