

IN THE SUPREME COURT OF THE STATE OF OHIO

ORIGINAL

State of Ohio ex rel.
Jamey D. Baker,

Appellant,

v.

Coast to Coast Manpower
LLC

&

Industrial Commission of
Ohio, et al.

Appellees

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ON APPEAL FROM THE
FRANKLIN COUNTY
COURT OF APPEALS,
TENTH APPELLATE
DISTRICT

Supreme Court
Case No. 2010-0211

REQUEST FOR ORAL ARGUMENT BY APPELLANT, JAMEY D. BAKER

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REQUEST FOR ORAL ARGUMENT

Now comes the Appellant, Jamey D. Baker, by and through counsel, and respectfully requests oral argument pursuant to his Merit Brief.

Over the last 20 years, this Court has interpreted R.C. 4123.57(B) in numerous cases in holding that a total loss of vision award is to be granted when an injured worker suffers a complete loss of vision in his affected eye. Though Appellant believes the holdings in these cases are clear, it is obvious that confusion and controversy continue to plague lower courts and administrative agencies charged with interpreting and applying the law regarding compensation for loss of vision under R.C. 4123.57(B). This is evidenced by the fact that, in the case at bar, the Industrial Commission initially denied Appellant's application and opposed his petition for a writ of mandamus, only to later reverse its position and concede that its final decision in the administrative process was improper.

It is respectfully suggested that oral argument would afford the best opportunity for thorough discussion and debate, and would assist the court in arriving at a decision which will afford a degree of clarity and consistency presently lacking.

Respectfully Submitted,

GALLON, TAKACS, BOISSONEAULT
& SCHAFFER CO. L.P.A.



Theodore A. Bowman
Attorney for Appellant

CERTIFICATION

This is to certify that the foregoing was served upon Attorney for Appellee, Industrial Commission of Ohio, Colleen C. Erdman, Assistant Attorney General, 150 East Gay Street, 22nd Floor, Columbus, Ohio 43215-3130 and upon Attorney for Respondent, Coast to Coast Manpower LLC, Amy S. Thomas, Mick Proxmire, Reminger Co., LPA, 65 East State Street, 4th Floor Columbus OH 43215 by regular U.S. Mail this 18th day of May, 2010.



Theodore A. Bowman