

IN THE SUPREME COURT OF OHIO

State, ex rel.
SEARS ROEBUCK & COMPANY

Appellee-Relator

v.

TIMOTHY MATHEWS

And

Industrial Commission of Ohio

Appellant-Respondents

: 10-0955
:
: On Appeal from the Tenth District
: Court of Appeals
:
: Court of Appeals
: Case No. 09 AP-180
:
: Supreme Court Case No.:
:
:
:
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:

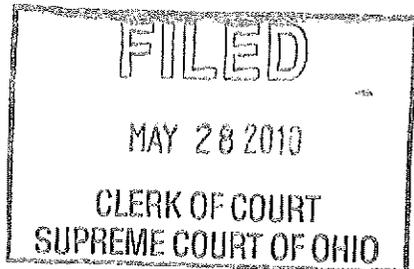
NOTICE OF APPEAL OF APPELLANT RESPONDENT
TIMOTHY MATHEWS

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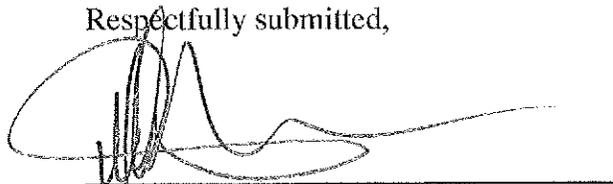


Notice of Appeal of Appellant-Respondent Timothy Mathews

Pursuant to S. Ct. R. II, Section 1(A), Appellant-Respondent Mathews, hereby gives notice of appeal to the Supreme Court of Ohio from the judgement of the Franklin County Court of Appeals, Tenth Appellate District, in Case no. 09-AP-180 on April 27, 2010.

This case originated in the Court of Appeal and a date stamped copy of the court of appeals judgment entry being appealed is attached hereto.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Matthew P. Cincione', is written over a horizontal line. The signature is fluid and cursive, with a large loop at the beginning and a long tail extending to the right.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Appellant-
Respondent Timothy Mathew's Notice of Appeal was mailed via Regular U.S. Mail this
28 day of May 2010 the following individuals:

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APR 28 2010

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

FILED
COURT OF APPEALS
FRANKLIN COUNTY, OHIO
2010 APR 27 PM 12:17
CLERK OF COURTS

State of Ohio ex rel. Sears Roebuck & Co., :

Relator, :

v. :

No. 09AP-180

Industrial Commission of Ohio
and Timothy Mathews, :

(REGULAR CALENDAR)

Respondents. :

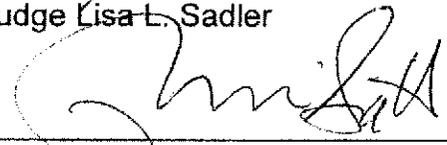
JUDGMENT ENTRY

For the reasons stated in the decision of this court rendered herein on April 27, 2010, the objections to the decision of the magistrate are overruled, the decision of the magistrate is approved and adopted by the court as its own, and it is the judgment and order of this court that a writ of mandamus issue against respondent, Industrial Commission of Ohio, ordering it to vacate its SHO's order of October 24, 2008, and to enter an order denying claimant's June 5, 2008 motion for payment of the fee bill. Costs shall be assessed equally against respondents.

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 Lisa L. Sadler



Judge Patrick M. McGrath