

ORIGINAL

In the
Supreme Court of Ohio

STATE OF OHIO, ex rel.
SEARS ROEBUCK & CO.,

Appellee,

vs.

TIMOTHY MATHEWS,
et al.,

Appellants.

: CASE NO. 2010-0955
:
:
: On Appeal from the
: Franklin County Court of Appeals, Tenth
: Appellate District. Case No. 09AP-0180
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SECOND NOTICE OF APPEAL

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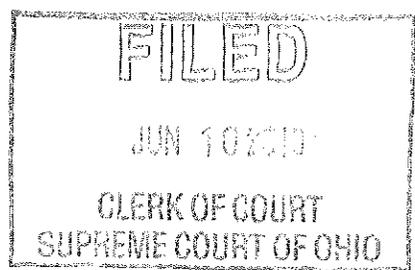
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Timothy Mathews



**NOTICE OF APPEAL OF APPELLANT
INDUSTRIAL COMMISSION OF OHIO**

Appellant, Industrial Commission of Ohio, 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. 09AP-0180 on April 27, 2010. A copy of the judgment entry is attached.

This case originated in the Franklin County Court of Appeals. Therefore, this is an appeal as of right.

Respectfully submitted,

RICHARD CORDRAY
Ohio Attorney General



COLLEEN C. ERDMAN (0080765)

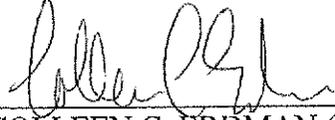
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CERTIFICATE OF SERVICE

I certify that a copy of the Notice of Appeal was sent to Amy Thomas, counsel for Appellee, Sears Roebuck & Co., Reminger Co., LPA, 65 East State Street, 4th Floor, Columbus, Ohio 43215, and Matthew Cincione, counsel for Appellant, Timothy Mathews, 2200 West Fifth Avenue, 3rd Floor, Columbus, Ohio 43215, and, by regular U.S. Mail, postage pre-paid, this 10th day of June, 2010.



COLLEEN C. ERDMAN (0080765)
Assistant Attorney General

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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, :

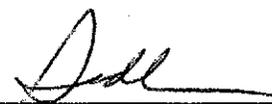
(REGULAR CALENDAR)

Respondents. :

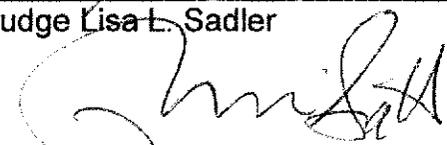
JUDGMENT ENTRY

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