

**ORIGINAL**

**IN THE SUPREME COURT OF OHIO**

**STATE OF OHIO, ex rel.,  
JAMEY BAKER**

**APPELLANT-RELATOR**

**-vs-**

**INDUSTRIAL COMMISSION OF OHIO**

**APPELLANT-RESPONDENT**

and

**COAST TO COAST MANPOWER, LLC,**

**APPELLEE-RESPONDENT**

**CASE NO. 2010-0211**

On Appeal from the Franklin County Court  
of Appeals, Tenth Appellate District – Case  
No. 09-AP-287

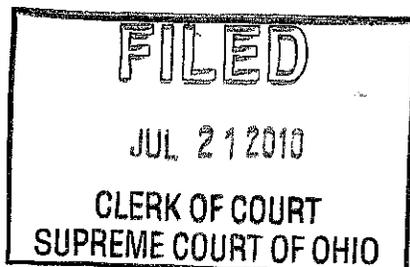
(BWC Claim No. 07-872217)

**SUPPLEMENTAL CITATIONS SUBMITTED BY**  
**APPELLEE COAST TO COAST MANPOWER, LLC**

Amy S. Thomas (0074380)  
(Counsel of Record)  
Mick Proxmire (0074032)  
**REMINGER CO., L.P.A.**  
65 East State Street, 4<sup>th</sup> Floor  
Columbus, Ohio 43215  
614-232-2627 – Telephone  
614-232-2410 – Facsimile  
[athomas@reminger.com](mailto:athomas@reminger.com)  
[mproxmire@reminger.com](mailto:mproxmire@reminger.com)  
*Counsel for Appellee*  
*Coast to Coast Manpower LLC.*

Theodore A. Bowman (009159)  
**GALLON, TAKACS, BOISSONEAULT  
& SCHAFFER CO. LPA**  
3516 Granite Circle  
Toledo, Ohio 43617-1172  
419-843-2001 – Telephone  
419-843-6665 – Facsimile  
*Counsel for Appellant Jamey D. Baker*

Colleen Erdman (0080765)  
Assistant Attorney General  
**OHIO ATTORNEY GENERAL**  
Workers' Compensation Section  
150 E. Gay Street, 22<sup>nd</sup> Floor  
Columbus, OH 43215  
614-466-6696 – Telephone  
614-728-9535 – Facsimile  
[colleen.erdman@ohioattorneygeneral.gov](mailto:colleen.erdman@ohioattorneygeneral.gov)  
*Counsel for Appellant*  
*Industrial Commission of Ohio*



Pursuant to S. Ct. Prac. R. 6.8, Appellee-Respondent Coast to Coast Manpower, LLC (“Coast to Coast”) hereby submits the following citation to a relevant decision, which this Court issued after Appellee Coast to Coast filed its Merit Brief in this appeal, and also submits the following citation to the merit brief filed by Appellant Industrial Commission of Ohio in the same case, which Coast to Coast discovered only after this Court issued its decision in that case:

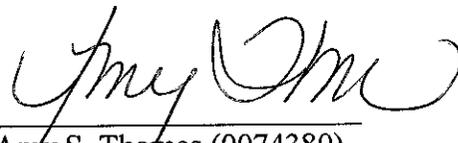
***State ex rel. La-Z-Boy Furniture Galleries v. Thomas***, (issued July 13, 2010), Slip Opinion No. 2010-Ohio-3215, Ohio S. Ct. Case No. 2009-1709

“Consistent with the statute [R.C. 4123.56], we have declared uncorrected vision to be the standard by which postinjury vision must be measured.” *Id.* at ¶ 16.

***Merit Brief of Appellee Industrial Commission of Ohio***, (filed April 2, 2010), *State ex rel. La-Z-Boy Furniture Galleries v. Thomas*, Ohio S. Ct. No. 2009-1706

“This Court has held that under R.C. 4123.57(B), the Industrial Commission should not consider the outcome of eye surgery performed to correct a work injury when considering the percentage of vision loss before and after a work injury. *State ex rel. Gen. Elec. Corp. v. Indus. Comm.*, 103 Ohio St.3d 420, 2004-Ohio-5585; *State ex rel. Kroger Co. v. Stover* (1987), 31 Ohio St.3d 229. The Commission does not contest this principle.” *Id.* at 7 (detailing position contrary to that articulated in merit brief filed in the appeal now before Court).

Respectfully submitted,



Amy S. Thomas (0074380)  
(Counsel of Record)

Mick L. Proxmire (0074032)

**REMINGER CO., L.P.A.**

65 East State Street, 4<sup>th</sup> Floor

Columbus, Ohio 43215

614-232-2627 – Telephone

614-232-2410 – Facsimile

[athomas@reminger.com](mailto:athomas@reminger.com)

***Counsel for Appellee***

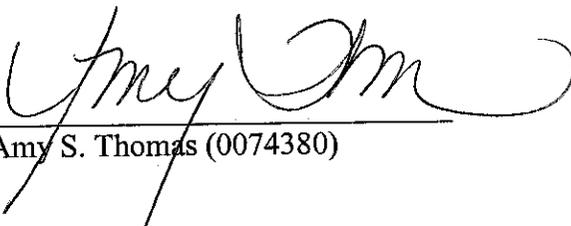
***Coast to Coast Manpower, Inc.***

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and accurate copy of this document was served via regular US mail, postage pre-paid, on **July 21 2010**, upon the following:

Theodore A. Bowman (009159)  
**GALLON, TAKACS, BOISSONEAULT  
& SCHAFFER CO. LPA**  
3516 Granite Circle  
Toledo, Ohio 43617-1172  
419-843-2001 – Telephone  
419-843-6665 – Facsimile  
*Counsel for Appellant Jamey D. Baker*

Colleen Erdman (0080765)  
Assistant Attorney General  
**OHIO ATTORNEY GENERAL**  
Workers' Compensation Section  
150 E. Gay Street, 22<sup>nd</sup> Floor  
Columbus, OH 43215  
614-466-6696 – Telephone  
614-728-9535 – Facsimile  
[colleen.erdman@ohioattorneygeneral.gov](mailto:colleen.erdman@ohioattorneygeneral.gov)  
*Counsel for Appellant  
Industrial Commission of Ohio*

  
\_\_\_\_\_  
Amy S. Thomas (0074380)