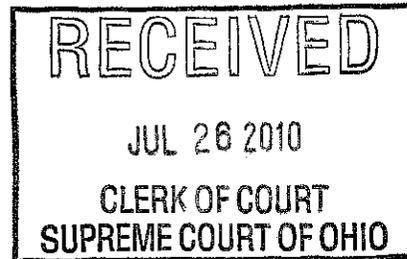


IN THE SUPREME COURT OF OHIO

STATE OF OHIO, ex rel.)
 RICK D. WARNER)
)
 Relator-Appellee,)
)
 v.)
)
 INDUSTRIAL COMMISSION OF)
 OHIO,)
)
 Respondent-Appellant,)
)
 And)
)
 CENTRAL ALLIED ENTERPRISES,)
 INCORPORATED,)
)
 Respondent-Appellant,)

CASE NO. 10-1283

On Appeal from the Tenth District
Court of Appeals for Franklin County
Case No. 09AP-841



SECOND NOTICE OF APPEAL

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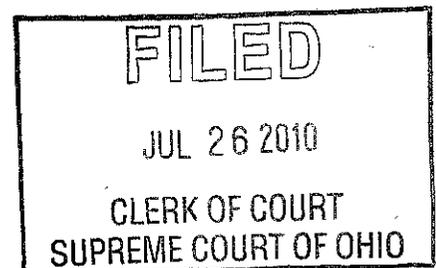
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Counsel for Respondent-Appellant
Central Allied Enterprises, Inc.



NOTICE OF APPEAL

Respondent, Central Allied Enterprises, hereby gives notice of its appeal to the Supreme Court of Ohio from the Judgment Entry entered in the Tenth District Court of Appeals, Case No. 09AP-841, on June 7, 2010.

Case No. 09AP-8431 originated in the court of appeals.

Respectfully submitted,



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Attorneys for Respondent-Appellant
Central Allied Enterprises, Inc.

CERTIFICATE OF SERVICE

A copy of the foregoing was served this 23rd day of July, 2010 by regular U.S.

Mail on:

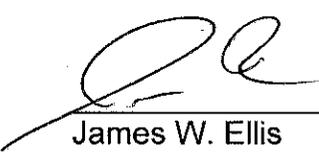
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Rick D. Warner

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Industrial Commission of Ohio


James W. Ellis


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IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

FILED
COURT OF APPEALS
FRANKLIN CO. OHIO

2010 JUN -7 PM 2: 01

CLERK OF COURTS

State of Ohio ex rel. Rick D. Warner, :

Relator, :

v. :

No. 09AP-841

Industrial Commission of Ohio and
Central Allied Enterprises, Inc., :

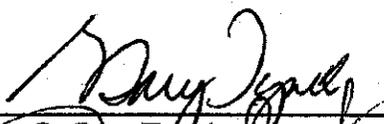
(REGULAR CALENDAR)

Respondents. :

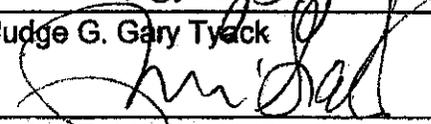
JUDGMENT ENTRY

For the reasons stated in the decision of this court rendered herein on June 3, 2010, we adopt the findings of fact contained in the magistrate's decision but we do not adopt the conclusions of law. As a result, we issue a limited writ of mandamus compelling the commission to weigh the evidence with regard to Rick D. Warner seeking employment during the time Allied Enterprises idled him via a seasonal layoff. Based upon that weighing, the commission shall further address the inclusion of the unemployment compensation in computation of Warner's AWW. Costs shall be assessed against respondent Industrial Commission of Ohio.

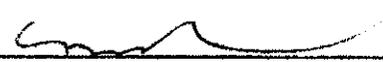
Within three (3) days from the filing hereof, the clerk of this court is hereby ordered to serve upon all parties not in default for failure to appear notice of this judgment and its date of entry upon the journal.



Judge G. Gary Tyack



Judge Patrick M. McGrath



Judge John A. Connor