

ORIGINAL

In The
Supreme Court of Ohio

State ex rel. Kay A. Kingsley, : Case No. 11-0441
Appellant, : On Appeal from the Franklin
County Court of Appeals,
-vs- : Tenth Appellate District
State Employment Relations Board, : Court of Appeals
Case No 09AP-1085
Appellee. :

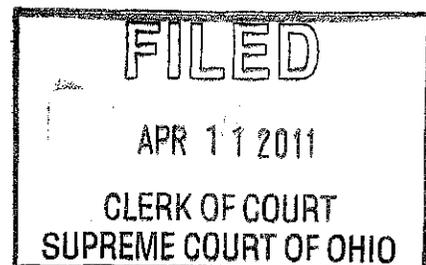
JOINT MOTION TO REDESIGNATE CASE AS APPEAL AS OF RIGHT

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MOTION TO REDESIGNATE CASE AS APPEAL AS OF RIGHT

Appellant Kay A. Kingsley and Appellee State Employment Relations Board, pursuant to S.Ct.Prac.R. 14.4(A), move this Court to redesignate the present appeal as an appeal as of right.

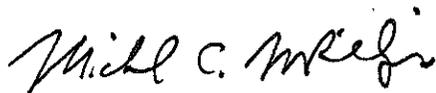
The present case was originated by Appellant Kay A. Kingsley as a petition for a writ of mandamus in Ohio's Tenth District Court of Appeals. On February 1, 2011, the Tenth District issued a Judgment Entry dismissing the petition. It is from this Judgment Entry that Kingsley appeals.

On March 17, 2011, Appellant filed a Notice of Appeal with this Court. Out of caution, Appellant attached to her Notice of Appeal a 15-page Memorandum in Support of Jurisdiction. Upon realization that Ms. Kingsley had an appeal as of right to this Court, her counsel so notified the Clerk's office and was informed that the case designation would be changed without further action. To date, however, the Court's web site does not indicate that redesignation has taken place.

The parties submit that Appellant's arguments in support of jurisdiction were unnecessary insofar as an appeal from a case that originated in a Court of Appeals, like the present appeal, invokes the appellate jurisdiction of this Court. S.Ct.Prac.R. Rule 2.1 (A)(1). For this reason, the parties respectfully request that the Court accept jurisdiction over this matter as an appeal as of right and redesignate the case accordingly. Appellee does not intend to file a

memorandum in response to Appellant's Memorandum in Support of Jurisdiction unless so directed by the Court.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of this *Joint Motion to Redesignate Case As Appeal As of Right* was served by ordinary U.S. mail to counsel for Appellant, James R. Kingsley, Kingsley Law Office, 157 West Main Street, Circleville, OH 43113, this 11th day of April, 2011.



Michael C. McPhillips