

CERTIFICATE OF SERVICE

The foregoing **Notice of Appeal of Appellant Old Dominion Freight Line, Inc.** has been sent by ordinary U.S. Mail this 16th day of July, 2012 to: Nicole E. Rager, Connor, Evans & Hafenstein, LLP, 501 South High Street, Columbus, Ohio 43215, attorney for Appellee Robert L. Mason; and to Eric Tarbox, Assistant Attorney General, Workers' Compensation Section, 150 East Gay Street, 22nd Floor, Columbus, Ohio 43215-3130, attorney for Appellee Industrial Commission of Ohio.



Attorney for Appellant
Old Dominion Freight Line, Inc.

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

FILED
COURT OF APPEALS
FRANKLIN COUNTY, OHIO
2012 JUN -5 PM 1:47
CLERK OF COURTS

State of Ohio ex rel. :
Old Dominion Freight Line, Inc., :
Relator, :
v. : No. 11AP-350
Industrial Commission of Ohio and : (REGULAR CALENDAR)
Robert L. Mason, :
Respondents. :

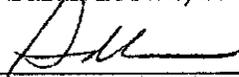
JOURNAL ENTRY

For the reasons stated in the decision of this court rendered herein on May 31, 2012, the commission's and claimant's objections to the decision of the magistrate are sustained. Having found the commission committed prejudicial error, the magistrate did not reach Old Dominion's argument that the commission improperly relied upon the medical reports of Drs. Charles May, Richard Ward, and Lee Howard in evaluating the credibility of Drs. Fitz and Malinky. To afford Old Dominion with the full review available in mandamus, we remand the matter to the magistrate to determine the outstanding arguments that remain.

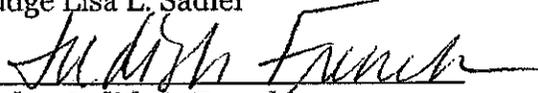
Within three (3) days from the filing hereof, the clerk of this court is hereby ordered to serve upon all parties not in default for failure to appear, notice of this judgment and its date of entry upon the journal.



Judge Susan Brown, P.J.



Judge Lisa L. Sadler



Judge Judith L. French