

No. 2011-2013

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# In the Supreme Court of Ohio

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APPEAL FROM THE COURT OF APPEALS  
EIGHTH APPELLATE DISTRICT  
CUYAHOGA COUNTY, OHIO  
CASE NO. 10-96138

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LARRY HEWITT,  
*Plaintiff-Appellee,*

v.

THE L.E. MYERS COMPANY,  
*Defendant-Appellant.*

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## APPELLANT THE L.E. MYERS COMPANY'S ADDITIONAL AUTHORITY (S.Ct.Prac.R. 9.8)

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Appellant The L.E. Myers Company, by and through counsel and pursuant to S.Ct.Prac.R. 9.8, hereby gives notice of the following authority, not cited in the merit briefs, upon which Appellant intends to rely at the oral argument of this matter scheduled for September 25, 2012:

RECEIVED  
SEP 12 2012  
CLERK OF COURT  
SUPREME COURT OF OHIO

FILED  
SEP 12 2012  
CLERK OF COURT  
SUPREME COURT OF OHIO

*Zuniga v. Norplas Industries, Inc.*, 6th Dist. Nos. WD-11-066, WD-11-067, 2012-Ohio-3414, ¶ 23 (“In conformity with these definitions, we have held that ‘as used in R.C. 2745.01(C), an “equipment safety guard” would be commonly understood to mean a device that is designed to shield the operator from exposure to or injury by a dangerous aspect of the equipment.’ *Fickle v. Conversion Techs. Internatl., Inc.*, 6th Dist. No. WM-10-016, 2011-Ohio-2960, ¶ 43.”).

Respectfully submitted,



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**PROOF OF SERVICE**

A copy of the foregoing **Appellant The L.E. Myers Company's Additional Authority** was served on September 11, 2012 pursuant to Civ.R. 5(B)(2)(c) by mailing it by United States mail to:

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