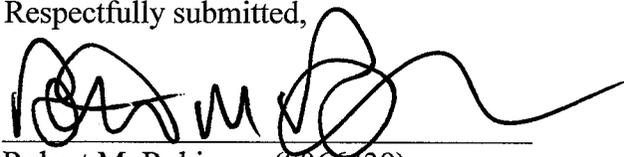


NOTICE OF APPEAL

Now comes Relator-Appellant, Gary W. Roberts, and hereby gives notice of his appeal to the Supreme Court of Ohio from the judgment of the Franklin County Court of Appeals, Tenth Appellate District, in case number 12 AP 298. Said judgment entry was filed by the court of appeals on January 31, 2013

This Court has appellate jurisdiction over this appeal as of right because the case below originated in the court of appeals as an original action in mandamus. A copy of the judgment entry of the Tenth District Court of Appeals is attached hereto.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. M. Robinson', written over a horizontal line.

Robert M. Robinson (0066439)

Katherine E. Ivan (0086442)

C. Russell Canestraro (0061235)

Eric B. Cameron (0077365)

Agee, Clymer, Mitchell & Laret

226 North Fifth Street, 5th Floor

Columbus, Ohio 43215

(614) 221-3318

(614) 221-7308 Fax

Attorney for Relator-Appellant,

Gary W. Roberts

CERTIFICATE OF SERVICE

This is to certify that a true copy of the Notice of Appeal of Relator-Appellant, Shelby K. Robinson, was served by regular U.S. mail, prepaid on: Justine Casselle, Assistant Attorney General, Workers' Compensation Section, 150 E. Gay St., 22nd Floor, Columbus, Ohio 43215-3130 on this 28th day of February, 2013.



Robert M. Robinson (0066439)
Katherine E. Ivan (0086442)
C. Russell Canestraro (0061235)
Eric B. Cameron (0077365)
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(614) 221-3318
(614) 221-7308 Fax
Attorney for Relator-Appellant,
Gary W. Roberts

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

State of Ohio ex rel. Gary W. Roberts, :
Relator, :

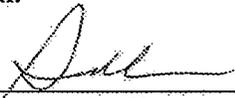
v. : No. 12AP-298

Industrial Commission of Ohio and : (REGULAR CALENDAR)
Stephens Pipe & Steel LLC, :
Respondents. :

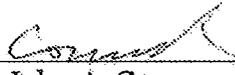
JUDGMENT ENTRY

For the reasons stated in the decision of this court rendered herein on January 31, 2013, we adopt the magistrate's findings of fact; however, the commission's objections to the magistrate's conclusions of law are sustained, and we reject the magistrate's recommendation to issue a writ of mandamus. It is the judgment and order of this court that the requested writ of mandamus is denied. Costs shall be assessed against relator.

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 Lisa L. Sadler



Judge John A. Connor