

ORIGINAL

IN THE SUPREME COURT OF OHIO

Lawrence Boatwright,

CASE NO: 2013-0237

Plaintiff-Appellant

On Appeal from the Mahoning County
Court of Appeals, Seventh Judicial
District, Court of Appeals Case No:
12 MA 39

Vs.

Penn-Ohio Logistics, et al.

**PLAINTIFF-APPELLANT'S
MOTION FOR
RECONSIDERATION**

Defendants-Appellees

The Supreme Court should reconsider its decision not to hear this case, and should grant jurisdiction. This case is essential, in order to declare whether or not a landlord out of possession will be liable in a civil action for failing to obey specific laws which are intended to protect those of the class of the injured person.

Specifically in this case, the defendants violated the OSHA requirements that floor load capacities be posted in a warehouse. This obligation was specifically imposed upon the landlord. The Appellant was within class of persons the regulation was designed to protect from injury, and Appellant was injured as a direct result.

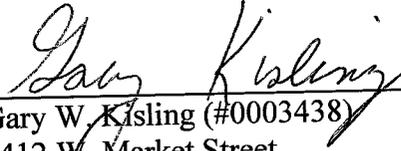
In addition, this case provides the Court with the opportunity to clarify and declare that whether a condition on a premise constitutes a defect depends upon the intended and expected use of the premises.

Therefore, this Court should grant this motion for reconsideration, and accept jurisdiction of this case.

FILED
MAY 20 2013
CLERK OF COURT
SUPREME COURT OF OHIO

Respectfully submitted,

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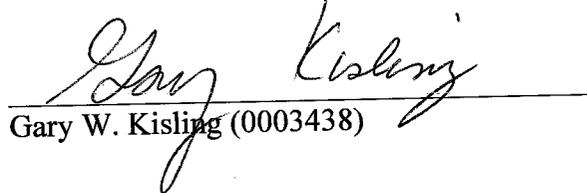
Counsel for Plaintiff-Appellant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent by regular United States

Mail this 20th day of May, 2013 upon:

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