

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Presley v. Fraley*, Slip Opinion No. 2009-Ohio-5255.]

NOTICE

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**SLIP OPINION NO. 2009-OHIO-5255**

**PRESLEY, ADMR., APPELLEE, v. FRALEY, APPELLANT.**

**[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Presley v. Fraley*, Slip Opinion No. 2009-Ohio-5255.]**

*Discretionary appeal accepted, and judgment of the court of appeals reversed on the authority of Eppley v. Tri-Valley Local School Dist. Bd. of Edn.*

(No. 2009-0608 — Submitted September 1, 2009 — Decided October 6, 2009.)

APPEAL from the Court of Appeals for Franklin County, No. 08AP-767,  
2009-Ohio-1558.

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{¶ 1} The discretionary appeal is accepted.

{¶ 2} The judgment of the court of appeals is reversed on the authority of *Eppley v. Tri-Valley Local School Dist. Bd. of Edn.*, 122 Ohio St.3d 56, 2009-Ohio-1970, 908 N.E.2d 401.

MOYER, C.J., and LUNDBERG STRATTON, O’CONNOR, O’DONNELL, LANZINGER, and CUPP, JJ., concur.

PFEIFER, J., dissents.

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SUPREME COURT OF OHIO

Jones Day, Shawn J. Organ, Matthew C. Corcoran, and Zachary C.  
Bolitho, for appellant.

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