

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Missig v. Cleveland Civ. Serv. Comm.*, Slip Opinion No. 2009-Ohio-5256.]

NOTICE

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SLIP OPINION NO. 2009-OHIO-5256

MISSIG, APPELLANT, v. CITY OF CLEVELAND CIVIL SERVICE

COMMISSION ET AL., APPELLEES.

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Missig v. Cleveland Civ. Serv. Comm.*, Slip Opinion No. 2009-Ohio-5256.]

Discretionary appeal accepted, court of appeals' judgment reversed on the authority of Lima v. State, and cause remanded to apply Lima v. State.

(No. 2009-0790 — Submitted September 1, 2009 — Decided October 6, 2009.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 91699,
2009-Ohio-966.

{¶ 1} The discretionary appeal is accepted.

{¶ 2} The judgment of the court of appeals is reversed on the authority of *Lima v. State*, 122 Ohio St.3d 155, 2009-Ohio-2597, 909 N.E.2d 616, and the cause is remanded to the court of appeals to apply *Lima v. State*.

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

SUPREME COURT OF OHIO

Joseph W. Diemert Jr. & Associates Co., L.P.A., Joseph W. Diemert Jr.,
Thomas M. Hanculak, and Daniel A. Powell, for appellant.
