

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State ex rel. Smith v. Cincinnati Schools*, Slip Opinion No. 2011-Ohio-5026.]

NOTICE

This slip opinion is subject to formal revision before it is published in an advance sheet of the Ohio Official Reports. Readers are requested to promptly notify the Reporter of Decisions, Supreme Court of Ohio, 65 South Front Street, Columbus, Ohio 43215, of any typographical or other formal errors in the opinion, in order that corrections may be made before the opinion is published.

**SLIP OPINION NO. 2011-OHIO-5026**

**THE STATE EX REL. SMITH, APPELLANT, v. CINCINNATI  
SCHOOLS ET AL., APPELLEES.**

**[Until this opinion appears in the Ohio Official Reports advance sheets, it  
may be cited as *State ex rel. Smith v. Cincinnati Schools*,  
Slip Opinion No. 2011-Ohio-5026.]**

*Workers' compensation — Court of appeals' judgment affirmed.*

(No. 2010-0672 — Submitted September 6, 2011 — Decided October 4, 2011.)

APPEAL from the Court of Appeals for Franklin County,  
No. 09AP-504, 2010-Ohio-1221.

---

{¶ 1} The judgment of the court of appeals is affirmed.

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

---

Law Offices of James A. Whittaker L.L.C., Laura I. Murphy, and James  
A. Whittaker, for appellant.

SUPREME COURT OF OHIO

Mike DeWine, Attorney General, and Allan K. Showalter, Assistant  
Attorney General, for appellee Industrial Commission of Ohio.

---