

**THE STATE EX REL. MITCHELL, APPELLANT, v. GENERAL MOTORS
CORPORATION, PACKARD ELECTRIC DIVISION, ET AL., APPELLEES.
[Cite as *State ex rel. Mitchell v. Gen. Motors Corp., Packard Elec. Div.*,
1998-Ohio-81.]**

*Workers' compensation—Court of appeals' judgment reversed and Noll relief
ordered.*

(No. 96-1445—Submitted August 19, 1998—Decided October 14, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 95APD06-796.

Weiner, Suit & Coury and *Paul W. Newendorp*, for appellant.

Vorys, Sater, Seymour & Pease, Robert A. Minor and *Jacklyn J. Ford*, for
appellee General Motors Corporation.

Betty D. Montgomery, Attorney General, and *David J. Kovach*, Assistant
Attorney General, for appellee Industrial Commission.

{¶ 1} The judgment of the court of appeals is reversed. The cause is
returned to the Industrial Commission for relief consistent with *State ex rel. Noll v.*
Indus. Comm. (1991), 57 Ohio St.3d 203, 567 N.E.2d 245.

DOUGLAS, RESNICK, F.E. SWEENEY and PFEIFER, JJ., concur.

MOYER, C.J., COOK and LUNDBERG STRATTON, JJ., dissent.

LUNDBERG STRATTON, J., dissenting.

{¶ 2} I dissent and would affirm the court of appeals.

MOYER, C.J., and COOK, J., concur in the foregoing dissenting opinion.
