

**THE STATE EX REL. JOHNSON, APPELLANT, v. INDUSTRIAL COMMISSION OF  
OHIO ET AL., APPELLEES.**

**[Cite as *State ex rel. Johnson v. Indus. Comm.*, 1999-Ohio-174.]**

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

(No. 98-2220—Submitted June 22, 1999—Decided September 8, 1999.)

APPEAL from the Court of Appeals for Franklin County, No. 97APD10-1391.

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*Law Office of Thomas Tootle and Thomas Tootle*, for appellant.

*Betty D. Montgomery*, Attorney General, and *Thomas W. Atzberger*,  
Assistant Attorney General, for appellee Industrial Commission.

*Hanlon, Duff, Paleudis & Estadt Co., L.P.A.*, and *John G. Paleudis*, for  
appellee Quarto Mining Company.

*Garvin & Hickey, L.L.C.*, and *Michael J. Hickey*, for appellee North  
American Coal.

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

MOYER, C.J., DOUGLAS, RESNICK, PFEIFER, COOK and LUNDBERG  
STRATTON, JJ., concur.

F.E. SWEENEY, J., dissents.

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