

**THE STATE EX REL. S. ROSENTHAL & CO., INC., APPELLANT, v. INDUSTRIAL  
COMMISSION OF OHIO ET AL., APPELLEES.**

**[Cite as *State ex rel. S. Rosenthal & Co., Inc. v. Indus. Comm.*,  
105 Ohio St.3d 176, 2005-Ohio-1148.]**

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

(No. 2004-0478 — Submitted February 15, 2005 — Decided March 30, 2005.)

APPEAL from the Court of Appeals for Franklin County,  
No. 03AP-113, 2004-Ohio-549.

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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., RESNICK, LUNDBERG STRATTON, O'CONNOR, O'DONNELL  
and LANZINGER, JJ., concur.

PFEIFER, J., dissents and would reverse the judgment of the court of  
appeals.

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Thompson Hine, L.L.P., and M. Scott Young, for appellant.

Jim Petro, Attorney General, and Charissa D. Payer, Assistant Attorney  
General, for appellee Industrial Commission of Ohio.

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