

**THE STATE EX REL. MOSIER INDUSTRIAL SERVICES CORPORATION,
APPELLEE, v. INDUSTRIAL COMMISSION OF OHIO, APPELLANT, ET AL.**

**[Cite as *State ex rel. Mosier Indus. Servs. Corp. v. Indus. Comm.*,
117 Ohio St.3d 1201, 2008-Ohio-260.]**

(Case No. 2006-1889 — Submitted November 6, 2007 — Decided
January 30, 2008.)

APPEAL from the Court of Appeals for Franklin County,

No. 05AP-1096, 2006-Ohio-4620.

ON MOTION TO DISMISS

{¶ 1} Appellant has filed a motion to dismiss, asserting that the claimant in this matter died of non-work-related injuries prior to the issuance of both the magistrate's decision and court of appeals' opinion in the court below. Appellant further asserts that as a result, this matter is moot in this court and, moreover, the matter had become moot before the court of appeals' opinion was issued below, thereby rendering the court of appeals' opinion advisory.

{¶ 2} Upon consideration of appellant's motion to dismiss, the motion is granted. This appeal is dismissed, and the cause is remanded to the court of appeals with instructions to vacate its decision.

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

Marc Dann, Attorney General, and Charissa D. Payer, Assistant Attorney General, for appellant.
