

**THE STATE EX REL. KAPPES, APPELLANT, v. SHOE CARNIVAL, INC. ET AL.,
APPELLEES.**

**[Cite as *State ex rel. Kappes v. Shoe Carnival, Inc.*,
121 Ohio St.3d 137, 2009-Ohio-720.]**

Workers' compensation — Court of appeals' judgment affirmed.

(No. 2008-1505 — Submitted February 3, 2009 — Decided February 24, 2009.)

APPEAL from the Court of Appeals for Franklin County,
No. 07AP-812, 2008-Ohio-3295.

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

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

Weisser & Wolf and Lisa M. Clark, for appellant.

Richard Cordray, Attorney General, and Colleen C. Erdman, Assistant
Attorney General, for appellee Industrial Commission of Ohio.
