

**THE STATE EX REL. BECK ET AL., APPELLANTS, v. INDUSTRIAL  
COMMISSION OF OHIO ET AL., APPELLEES.**

**[Cite as *State ex rel. Beck v. Indus. Comm.*,  
122 Ohio St.3d 33, 2009-Ohio-2365.]**

*Appeal dismissed for want of jurisdiction.*

(No. 2008-0707 — Submitted April 21, 2009 — Decided May 27, 2009.)

APPEAL from the Court of Appeals for Franklin County, No. 04AP-1094.

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{¶ 1} Appellants appeal from a judgment of the court of appeals denying a request for a status conference for a purported class.

{¶ 2} Appellants filed an original action in the Tenth District Court of Appeals seeking a writ of mandamus and certification of the case as a class action. On December 19, 2006, the court of appeals granted the writ but denied appellants' request to certify the class. *State ex rel. Beck v. Indus. Comm.*, Franklin App. No. 04AP-1094, 2006-Ohio-6730. Appellants did not file an appeal from the ruling denying certification of the class.

{¶ 3} In February 2008, appellants filed in the court of appeals a motion for a status conference to review appellees' actions with regard to all of the individuals who would have been in the class had the class been certified. Noting that it had not upheld the request for class certification, the court of appeals denied the motion for status conference on February 29, 2008. This appeal followed.

{¶ 4} Appellants seek essentially through their appeal to now have the class certified. But the time for consideration of that matter expired in early 2007, when appellants failed to timely appeal from the court of appeals' denial of class

SUPREME COURT OF OHIO

certification, and this appeal is simply an attempt to circumvent the finality of that previous ruling.

{¶ 5} Accordingly, as this court has no jurisdiction to now consider class certification, this cause is dismissed.

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

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Equal Justice Foundation and Judith B. Goldstein, for appellants.

Richard Cordray, Attorney General, and Elise Porter and Andrew J. Alatis, Assistant Attorneys General, for appellees Industrial Commission of Ohio and Bureau of Workers' Compensation.

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