

**MISSIG, APPELLANT, v. CITY OF CLEVELAND CIVIL SERVICE
COMMISSION ET AL., APPELLEES.**

**[Cite as *Missig v. Cleveland Civ. Serv. Comm.*,
123 Ohio St.3d 239, 2009-Ohio-5256.]**

*Discretionary appeal accepted, court of appeals' judgment reversed on the
authority of Lima v. State, and cause remanded to apply Lima v. State.*

(No. 2009-0790 — Submitted September 1, 2009 — Decided October 6, 2009.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 91699,
2009-Ohio-966.

{¶ 1} The discretionary appeal is accepted.

{¶ 2} The judgment of the court of appeals is reversed on the authority of
Lima v. State, 122 Ohio St.3d 155, 2009-Ohio-2597, 909 N.E.2d 616, and the
cause is remanded to the court of appeals to apply *Lima v. State*.

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

Joseph W. Diemert Jr. & Associates Co., L.P.A., Joseph W. Diemert Jr.,
Thomas M. Hanculak, and Daniel A. Powell, for appellant.
