

DIANA ZALESKI
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SUMMIT COUNTY
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IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

RICHARD ALLEN)	CASE NO. AC 2003-12-7585
)	
Plaintiff,)	JUDGE JOHN R. MILLIGAN
)	
-vs-)	
)	
GENERAL ELECTRIC CO., et al.,)	
)	ORDER ON MOTION TO
)	DISMISS
Defendants,)	
)	
)	Rule 58 Notice

This is another case in a long line of cases where there is a preliminary challenge to the exercise of Common Pleas – Administrative Appeal – subject matter jurisdiction in asbestos workers compensation cases.

This court has previously addressed the prefatory nature of the tripartite steps a claimant is required to complete as a condition precedent to entitlement to a BWC specialist review and eventual determination of the merits of his or her right to participate in the workers compensation fund.

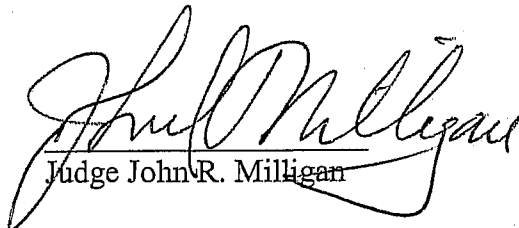
Here, the ex parte order of the commission from which the appeal to this court is lodged facially recites that the Plaintiff-appellant has failed to comply with the requirements of Resolution R03-1-02, a reaffirmation of R96-1-01, adopted February 26, 2996.

For all of the reasons recited in Humphrey v. Goodyear, Summit County AC 2003-09-5143, noted on the court's web site at www.cpclerk.co.summit.oh.us, as well as Davis v. Daimler Chrysler Co., Summit AC 2002-11-6366, (January 23, 2004, summary judgment), and Chaffee v. Daimler Chrysler Co., Summit AC 2003-03-1451, Feb. 25, 2004 summary judgment), THE MOTION TO DISMISS IS SUSTAINED.

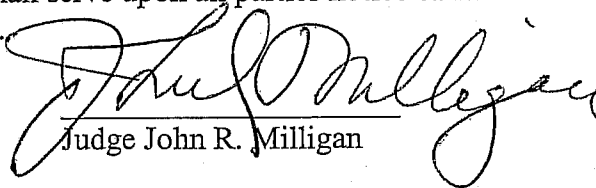
This Plaintiff's attempt to "leap-frog" the orderly, sequential, administrative process for receiving the special remedy of workers compensation claim allowance cannot avail. It is the Plaintiff himself who is the architect of the interlocutory nature of these proceedings.

This is the final judgment of the court. There is no just cause for delay. Exceptions to all parties.

So ordered.


Judge John R. Milligan

Pursuant to Civ.R. 58(B), the Clerk of Courts shall serve upon all parties notice of this Judgment and its date of entry upon the Journal.


Judge John R. Milligan