

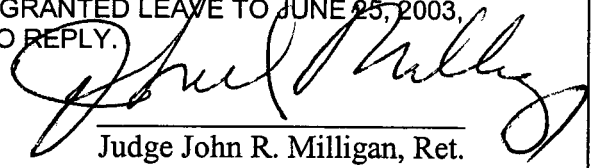
DIANA ZALESKI  
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IN THE COURT OF COMMON PLEAS  
SUMMIT COUNTY, OHIO

|                                    |   |                                   |
|------------------------------------|---|-----------------------------------|
| <b>DONALD STARR</b>                | ) | <b>CASE NO. AC 2002-10-5905 C</b> |
|                                    | ) |                                   |
| <b>Plaintiff,</b>                  | ) | <b>JUDGE JOHN R. MILLIGAN</b>     |
|                                    | ) |                                   |
| <b>-vs-</b>                        | ) |                                   |
|                                    | ) |                                   |
| <b>BABCOCK AND WILCOX, et al.,</b> | ) | <b><u>ORDER</u></b>               |
|                                    | ) |                                   |
| <b>Defendants,</b>                 | ) |                                   |
|                                    | ) | <b>Rule 58 Notice</b>             |

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The Motion of the Defendant, B&W, for Summary Judgment, filed February 11, 2003, as to Plaintiff, Donald J. Starr, appears to be misfiled and not entered on the docket of this severed case. Although the body of the motion alleges non-employment with Defendant and want of proof of disease as grounds, the supplications all deal with a claim of non-employment.

UPON THE COURT'S OWN MOTION THE SUMMARY JUDGMENT MOTION WILL COME ON FOR HEARING JUNE 30, 2003, AND THE PLAINTIFF IS GRANTED LEAVE TO JUNE 25, 2003, TO RESPOND, AND DEFENDANT TO JUNE 30, 2003, TO REPLY.

  
Judge John R. Milligan, Ret.

Notice: Please send copies of this judgment to the parties, by counsel this 12 day of June, 2003.

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Jrm.