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FILED
HURON COUNTY
IN THE COURT OF COMMON PLEAS OF HURON COUNTY, OHIO

12 MAR -9 PM 12: 35

MARIA C. BALDUFF,

SUSAN S. HAZEL
CLERK OF COURTS

Case No. CVF 20110173

Plaintiff(s),

Judge James W. Conway

vs.

Judgment Entry

VENTURE PACKAGING MIDWEST INC.:
dba BERRY PLASTIC CORP, et al.,

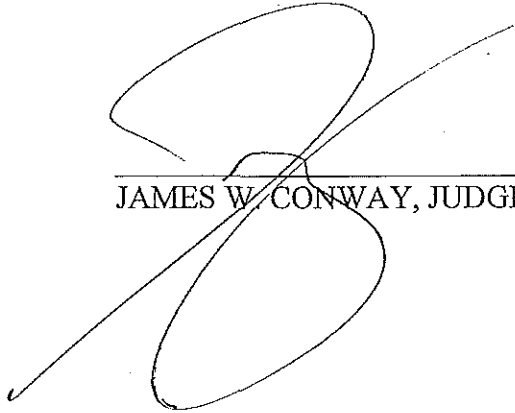
Defendant(s).

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This matter is before the Court on an Administrative Appeal filed pursuant to Revised Code 4141.282 seeking reversal of the Review Commission's final decision. The Court finds that the decision of the Commission was not unlawful, unreasonable, or against the manifest weight of the evidence and thus the Court must uphold the final decision of the Commission. The evidence clearly establishes that the employee knowingly violated the company's policy prohibiting cell phones in the production areas of the plant. While Appellant argues that there is no testimony that Appellant was using "a cell phone on the production floor" as asserted in Appellee's Brief, the Court's review of the transcript for the Review Commission reveals that Stan Bowser, the Company's Human Resource Manager, testified that "Maria was on the floor with a cell phone" (Tr. p7 line1) and that cell phones are "not allowed on the production floor." (Tr. p7 line7).

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It is therefore ORDERED, ADJUDGED and DECREED that the Administrative Appeal is denied and the Review Commission's decision is affirmed as it was supported by competent, credible evidence on the record. This is a final decision and there is no just cause for delay.



JAMES W. CONWAY, JUDGE

Copies to:

- Robert Zelvy, Esq.
- Eric A. Baum, Esq.
- Deft Venture Packaging Midwest Inc DBA Berry Plastic Corp

} (regular mail.)

Direction to the Clerk: Serve upon all parties not in default for failure to appear notice of the judgment and its date of entry upon the journal. Within three days of entering the judgment upon the journal you shall serve the parties in a manner prescribed by Civ. R. 5(B) and note the service in the appearance docket