

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO ex rel. WILLIAM F. KRAMER,	:	APPEAL NO. C-080466
	:	TRIAL NO. A-0707713
Relator-Appellant,	:	
	:	<i>DECISION.</i>
vs.	:	
CITY OF NORWOOD, OHIO,	:	
	:	
and	:	
	:	
JOSEPH C. GEERS,	:	
	:	
Respondents-Appellees.	:	

Civil Appeal From: Hamilton County Court of Common Pleas

Judgment Appealed From Is: Reversed, Writ of Mandamus Issued, and Judgment Entered

Date of Judgment Entry on Appeal: April 17, 2009

Andrea G. Ostrowski and Ostrowski Law Firm Co., L.P.A., for Relator-Appellant,

Mark J. Lucas, for Respondents-Appellees.

HILDEBRANDT, Presiding Judge.

{¶1} This came before the court on the motion for reconsideration filed by relator-appellant, William F. Kramer, and the response of respondent-appellee, the City of Norwood. In our decision of March 13, 2009, we held that, even though the city and the union had not validly waived the requirements of the applicable civil-service laws in eliminating a police lieutenant position, there remained genuine issues of fact concerning whether the city had in fact complied with those laws.¹

{¶2} In his motion for reconsideration, Kramer contended that the record reflected no genuine issue of material fact as to the city's violation of the civil-service laws. And in its response, the city conceded that it had not followed applicable civil-service procedures in eliminating the lieutenant position.

{¶3} Accordingly, we grant the motion for reconsideration. Pursuant to App.R. 12, we hereby grant summary judgment in favor of Kramer, issue a writ of mandamus, and order that Kramer be appointed to the rank of lieutenant retroactive to March 18, 2007.

Motion for reconsideration granted, writ of mandamus
issued, and final judgment entered.

CUNNINGHAM and DINKELACKER, JJ., concur.

Please Note:

The court has recorded its own entry on the date of the release of this decision.

¹ See *State ex rel. Kramer v. Norwood*, 1st Dist. No. C-080466, 2009-Ohio-1081.