

In the
Supreme Court of Ohio

STATE OF OHIO EX REL,
AMERICAN LEGION POST 25,

Relator-Appellee,

v.

OHIO CIVIL RIGHTS COMMISSION and
OHIO ATTORNEY GENERAL
JIM PETRO,

Respondents-Appellants.

Case No.

06-2263

On Appeal from the
Fayette County Court of Appeals,
Twelfth Appellate District

Court of Appeals Case
No. CA2006-01-006

**NOTICE OF APPEAL OF RESPONDENTS-APPELLANTS,
THE OHIO CIVIL RIGHTS COMMISSION AND
OHIO ATTORNEY GENERAL JIM PETRO**

JAMES A. KIGER* (0017033)

**Counsel of Record*

Kiger & Kiger Lawyers

132 South Main Street

Washington Court House, Ohio 43160

740-335-5271

740-335-6556 fax

Counsel for Relator-Appellee

American Legion Post 25

JIM PETRO (0022096)

Attorney General of Ohio

STEPHEN P. CARNEY* (0063460)

State Solicitor

**Counsel of Record*

DIANE RICHARDS BREY (0040328)

Senior Deputy Solicitor

MICHAEL STOKES (0064792)

Assistant Solicitor

STEPHANIE BOSTOS DEMERS (0061712)

LORI ANTHONY (0068695)

Assistant Attorneys General

30 East Broad Street, 17th Floor

Columbus, Ohio 43215-3400

614-466-8980

614-466-5087 fax

Counsel for Respondents-Appellants

Ohio Civil Rights Commission and

Ohio Attorney General Jim Petro

FILED

DEC 07 2006

**MARCIA J. MENGEL, CLERK
SUPREME COURT OF OHIO**

**NOTICE OF APPEAL OF RESPONDENTS- APPELLANTS,
THE OHIO CIVIL RIGHTS COMMISSION AND
OHIO ATTORNEY GENERAL JIM PETRO**

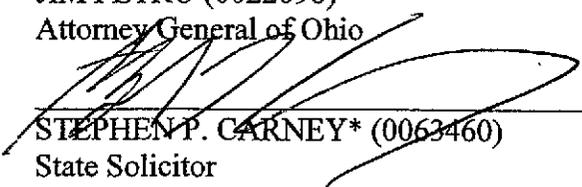
Respondents-Appellants, the Ohio Civil Rights Commission and Ohio Attorney General Jim Petro, give notice of their discretionary appeal to this Court, pursuant to Ohio Supreme Court Rule II(A)(3), from a Judgment Entry of the Fayette County Court of Appeals, Twelfth Appellate District, journalized in Case No. CA2006-01-006. That Judgment Entry was stamped "Filed" on October 23, 2006, and reads in whole:

The assignment of error properly before this court having been ruled upon, it is the order of this court that the judgment or final order appealed from be, and the same hereby is, reversed and remanded to the trial court for further proceedings according to law and consistent with the Opinion filed the same date as this Judgment Entry.

It is further ordered that a mandate be sent to the Fayette County Court of Common Pleas for execution upon this judgment and that a certified copy of this Judgment entry shall constitute the mandate pursuant to App.R. 27.

The Judgment Entry is attached to this Notice as Exhibit 1. Reasons for this discretionary appeal, including the great public and general interest involved in this case, are fully set forth in the accompanying Memorandum in Support of Jurisdiction.

JIM PETRO (0022096)
Attorney General of Ohio



STEPHEN P. CARNEY* (0063460)
State Solicitor

**Counsel of Record*

DIANE RICHARDS BREY (0040328)

Senior Deputy Solicitor

MICHAEL STOKES (0064792)

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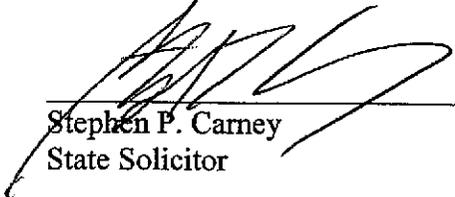
Counsel for Respondents-Appellants
Ohio Civil Rights Commission and
Ohio Attorney General Jim Petro

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Appeal of Respondents-Appellants, the Ohio Civil Rights Commission and Ohio Attorney General Jim Petro, was served by U.S. mail this 7th day of December, 2006, upon the following counsel:

James A. Kinger
Kiger & Kiger Lawyers
132 South Main Street
Washington Court House, Ohio 43160

Counsel for Relator-Appellee
American Legion Post 25



Stephen P. Carney
State Solicitor

IN THE COURT OF APPEALS
TWELFTH APPELLATE DISTRICT OF OHIO
FAYETTE COUNTY

FILED
COURT OF APPEALS
FAYETTE CO., OHIO

OCT. 29 2008

James E. Walsh
CLERK OF COURTS

STATE OF OHIO ex rel. AMERICAN
LEGION POST 25,

Relator-Appellant,

CASE NO. CA2006-01-006

-vs-

JUDGMENT ENTRY

OHIO CIVIL RIGHTS COMMISSION and
JIM PETRO as Atty. General,

Respondents-Appellees.

The assignment of error properly before this court having been ruled upon, it is the order of this court that the judgment or final order appealed from be, and the same hereby is, reversed and remanded to the trial court for further proceedings according to law and consistent with the Opinion filed the same date as this Judgment Entry.

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Costs to be taxed in compliance with App.R. 24.

Stephen W. Powell
Stephen W. Powell, Presiding Judge

James E. Walsh
James E. Walsh, Judge

William W. Young
William W. Young, Judge

6/737-765

EXHIBIT

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