

SUPREME COURT OF OHIO

B.J. ALAN COMPANY, DBA
PHANTOM FIREWORKS, et al.,

08-0306

Plaintiffs-Appellees,

v.

ON APPEAL FROM THE
WAYNE COUNTY COURT OF
APPEALS, NINTH APPELLATE
DISTRICT

CONGRESS TOWNSHIP BOARD
OF ZONING APPEALS, et al.,

COURT OF APPEALS
C. A. NO. 07CA0051

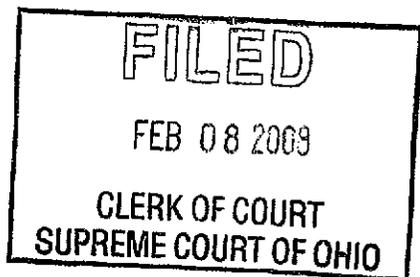
Defendant-Appellants.

**NOTICE THAT A MOTION TO CERTIFY A CONFLICT IS
PENDING IN THE COURT OF APPEALS**

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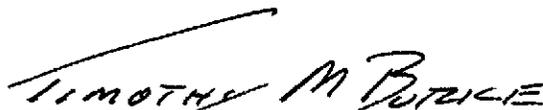
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*Counsel for Defendants-
Appellants Congress Township*



Appellant the Congress Township Board of Zoning Appeals hereby gives notice that it timely moved the Wayne County Court of Appeals, Ninth Appellate District, to certify a conflict under Appellate Rule 25. On February 7, 2008, the Wayne County Court of Appeals, Ninth Appellate District denied the Motion to Certify a Conflict. Appellant hereby gives notice that it intends to file a Motion for Reconsideration with the Wayne County Court of Appeals from its decision denying Appellants' Motion to Certify a Conflict.

Respectfully submitted,


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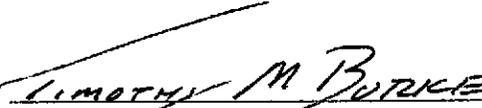
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing is being mailed to all parties entitled to service under Rule 5 of the Ohio Rules of Civil Procedure on the 8TH day of FEB, 2008.


TIMOTHY M. BURKE

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