

IN THE SUPREME COURT OF OHIO

FRATERNAL ORDER OF POLICE,
AKRON LODGE NO. 7 AND AKRON
FIREFIGHTERS ASSOCIATION,
IAFF LOCAL 330, et al.,

Appellants,

v.

CITY OF AKRON, et al.,

Appellees.

08-0418

On Appeal from the Summit
County Court of Appeals,
Ninth Appellate District

Court of Appeals Case No. 23660

NOTICE OF APPEAL OF APPELLANTS

**FRATERNAL ORDER OF POLICE, AKRON LODGE NO. 7 AND
AKRON FIREFIGHTERS ASSOCIATION, IAFF LOCAL 330, et al.**

Susannah Muskovitz (0011457)
Robert M. Phillips (0033079)
Ryan J. Lemmerbrock (0076915)
FAULKNER, MUSKOVITZ & PHILLIPS, LLP
820 West Superior Avenue, Ninth Floor
Cleveland, Ohio 44113-1800
Phone: (216) 781-3600
Fax: (216) 781-8839

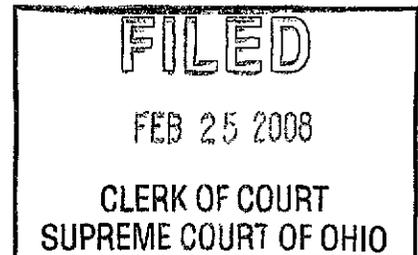
COUNSEL FOR APPELLANTS,
FOP, AKRON LODGE NO. 7 AND AKRON
FIREFIGHTERS ASSN., IAFF LOCAL 330, et al.

Max Rothal (0009431)
Patricia Ambrose Rubright (0009435)
Deborah M. Forfia (0033581)
City of Akron Dept. of Law
161 South High Street, Suite 202
Akron, Ohio 44308-1655

COUNSEL FOR APPELLEES,
CITY OF AKRON, et al.

Sharon A. Jennings (0055501)
Pearl M. Chin (0078810)
Assistant Attorneys General
Constitutional Offices Section
30 East Broad Street, 16th Floor
Columbus, Ohio 43215-3428

COUNSEL FOR APPELLANT,
STATE OF OHIO



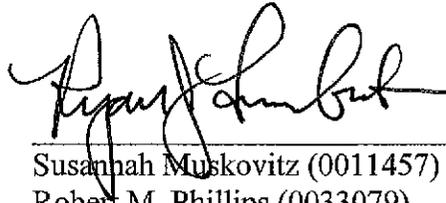
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FRATERNAL ORDER OF POLICE, AKRON LODGE NO. 7 AND
AKRON FIREFIGHTERS ASSOCIATION, IAFF LOCAL 330, et al.

Appellants Fraternal Order of Police, Akron Lodge No. 7 and Akron Firefighters Association, IAFF Local 330, et al., as well as Paul Hlynsky, personally and on behalf of FOP, Akron Lodge No. 7 and Phil Gauer, personally and on behalf of IAFF Local 330, hereby give notice of appeal to the Supreme Court of Ohio from the judgment of the Summit County Court of Appeals, Ninth Appellate District, entered in Court of Appeals Case No. 23660 on January 9, 2008.

This case raises a substantial constitutional question and is one of public or great general interest.

Respectfully submitted,

FAULKNER, MUSKOVITZ & PHILLIPS, LLP

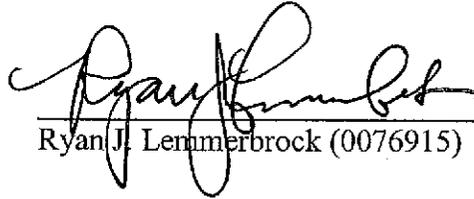


Susannah Muskovitz (0011457)
Robert M. Phillips (0033079)
Ryan J. Lemmerbrock (0076915)
820 West Superior Avenue, Ninth Floor
Cleveland, OH 44113-1800
Phone: (216) 781-3600
Fax: (216) 781-8839

COUNSEL FOR APPELLANTS,
FOP, AKRON LODGE NO. 7 AND AKRON
FIREFIGHTERS ASSN., IAFF LOCAL 330, et al.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing NOTICE OF APPEAL was served via regular U.S. mail this 21 day of February, 2008, upon Deborah M. Forfia, Assistant Director of Law, City of Akron, 161 South High Street, Suite 202, Akron, Ohio 44308-1655, and Sharon A. Jennings, Esq., Assistant Attorney General, Constitutional Offices Section, 30 East Broad Street, 17th Floor, Columbus, Ohio 43215.



Ryan J. Lemmerbrock (0076915)

STATE OF OHIO

COURT OF APPEALS
) DANIEL M. HERRICK
) ss: THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT
2008 JAN -9 AM 7:48

COUNTY OF SUMMIT

STATE OF OHIO

SUMMIT COUNTY A. No. 23660
CLERK OF COURTS

Appellees

v.

CITY OF AKRON, et al.

Appellants

APPEAL FROM JUDGMENT
ENTERED IN THE
COURT OF COMMON PLEAS
COUNTY OF SUMMIT, OHIO
CASE No. CV 2006-05-2759

DECISION AND JOURNAL ENTRY

Dated: January 9, 2008

This cause was heard upon the record in the trial court. Each error assigned has been reviewed and the following disposition is made:

DICKINSON, Judge.

THE QUESTION

{¶1} This case presents one of the classic legal questions: who gets to decide? In this case, the question is who gets to decide whether people unwilling to live in the City of Akron should be employed by the city, the citizens of Akron or members of the Ohio General Assembly.

{¶2} For the past few decades, under amendments to its charter that were adopted by its citizens, Akron has required its employees to live in the city. Currently, Akron requires people it hires into classified positions to agree to