

IN THE SUPREME COURT OF OHIO

STAMMCO LLC d/b/a THE POP
SHOP, *et al*,

Plaintiffs-Appellees,

v.

UNITED TELEPHONE COMPANY,
OF OHIO AND SPRINT NEXTEL
CORPORATION,

Defendants-Appellants.

08-1822

On Appeal From the
Fulton County Court
of Appeals, Sixth
Appellate District,
Case No. 07-024

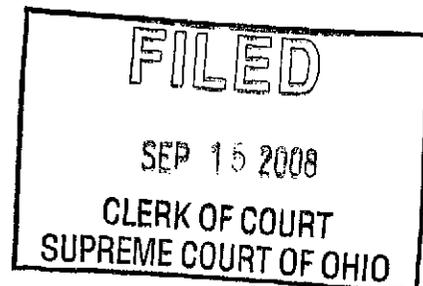
NOTICE OF APPEAL
OF APPELLANTS UNITED TELEPHONE COMPANY OF OHIO
AND SPRINT NEXTEL CORPORATION

Michael K. Farrell (0040941)
Counsel Of Record
Thomas D. Warren (0077541)
Karl Fanter (0075686)
BAKER & HOSTETLER LLP
1900 East Ninth Street, Suite 3200
Cleveland, OH 44114-3485
Telephone: (216) 861-7528
Facsimile: (216) 696-0740
mfarrell@bakerlaw.com

*Counsel for Appellants
United Telephone Company of Ohio
and Sprint Nextel Corporation*

Dennis E. Murray, Sr. (0008783)
Counsel of Record
Donna J. Evans (0072306)
Murray & Murray Co., L.P.A.
111 E. Shoreline Drive
Sandusky, Ohio 44870
Telephone: (419) 624-3000
Facsimile: (419) 624-0707

*Counsel for Appellees Stammco, LLC
d/b/a The Pop Shop, Kent Stamm, and
Carrie Stamm*



Appellants United Telephone Company of Ohio and Sprint Nextel Corporation¹ give notice of appeal to the Supreme Court of Ohio from the judgment of the Fulton County Court of Appeals, Sixth District, in Court of Appeals Case No. 07-024 that was journalized on August 1, 2008.

This case raises substantial constitutional questions and is one of public and great general interest.

Date: September 15, 2008

Respectfully submitted,



Michael K. Farrell (0040941)
Thomas D. Warren (0077541)
Karl Fanter (0075686)
BAKER & HOSTETLER LLP
1900 East Ninth Street, Suite 3200
Cleveland, OH 44114-3485
Telephone: (216) 861-7528
Facsimile: (216) 696-0740

Counsel for Appellants United Telephone Company of Ohio and Sprint Nextel Corporation Association

¹ From January 2000 until May 2006, United Telephone was a wholly owned subsidiary of Sprint Corporation, which later became Sprint Nextel Corporation, and did business under the trade name "Sprint." Since May 2006, United Telephone has been a wholly owned subsidiary of Embarq Corporation, has done business under the trade name "Embarq," and there has been no ownership or control of United Telephone by Sprint Nextel Corporation. At no time did Sprint Corporation, Sprint Nextel Corporation or Embarq Corporation provide, or bill for, local telephone services in Ohio. As it has maintained throughout this case, Sprint Nextel Corporation is not a proper defendant herein, there was no personal jurisdiction over it in the court below, and no class of plaintiffs can properly be certified as to it. Sprint Nextel Corporation reserves and does not waive these issues and appellants jointly submit this memorandum solely in the interest of brevity.

PROOF OF SERVICE

I certify that a copy of the foregoing was sent by ordinary U.S. mail to the following counsel on this 15th day of September 2008:

Dennis E. Murray, Sr. (0008783)

Counsel of Record

Donna J. Evans (0072306)

Murray & Murray Co., L.P.A.

111 E. Shoreline Drive

Sandusky, Ohio 44870

Telephone: (419) 624-3000

Facsimile: (419) 624-0707

Counsel for Appellees Stammco, LLC d/b/a

The Pop Shop, Kent Stamm, and Carrie

Stamm

Linda S. Woggon (0059082)

Counsel of Record

Vice President, Government Affairs

Ohio Chamber of Commerce

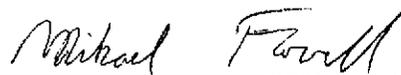
230 East Town Street

Columbus, Ohio 43215-0159

Telephone: (614) 228-4201

Counsel for Amicus Curiae Ohio

Chamber of Commerce



*Counsel for Appellants United Telephone
Company of Ohio and Sprint Nextel
Corporation Association*