

In the  
Supreme Court of Ohio

OHIO GROCERS ASSOCIATION, et al., : Case No. **08-2018**  
: :  
Plaintiffs-Appellees, : On Appeal from the  
: Franklin County  
v. : Court of Appeals,  
: Tenth Appellate District  
: :  
WILLIAM W. WILKINS [RICHARD A. :  
LEVIN], in his official capacity as Ohio Tax : Court of Appeals Case  
Commissioner, : No. 07AP-813  
: :  
Defendant-Appellant.

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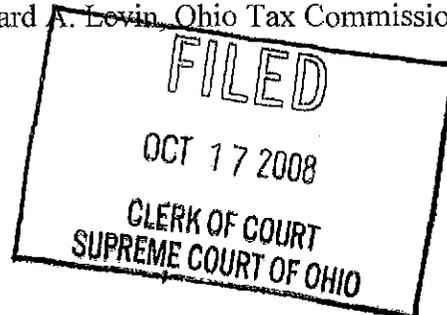
**NOTICE OF APPEAL OF DEFENDANT-APPELLANT, RICHARD A. LEVIN,  
SUCCESSOR TO WILLIAM W. WILKINS, OHIO TAX COMMISSIONER**

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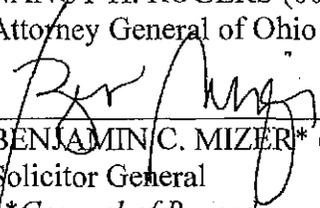


**NOTICE OF APPEAL OF DEFENDANT-APPELLANT, RICHARD A. LEVIN,  
SUCCESSOR TO WILLIAM W. WILKINS, OHIO TAX COMMISSIONER**

Defendant-Appellant Richard A. Levin, Successor to William W. Wilkins, Ohio Tax Commissioner, gives notice of its claimed appeal of right and discretionary appeal to this Court, pursuant to Ohio Supreme Court Rules II(A)(2) and (3), from a Judgment Entry of the Tenth District Court of Appeals, journalized in Case No. 07AP-813, *Ohio Grocers Association v. William W. Wilkins [Richard A. Levin]*, in his official capacity as Ohio Tax Commissioner. That Judgment Entry was stamped "Filed" on September 2, 2008. The Judgment Entry and Opinion are attached to the Defendant-Appellant's Memorandum in Support of Jurisdiction. Reasons for this claimed appeal of right and 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.

Respectfully submitted,

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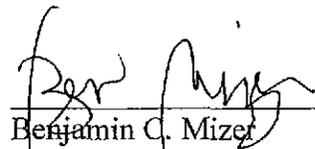
Richard A. Levin, Ohio Tax Commissioner

## CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Notice of Appeal of Defendant-Appellant Richard A. Levin, Successor to William W. Wilkins, Ohio Tax Commissioner was served by U.S. mail this 17th day of October 2008, upon the following counsel:

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