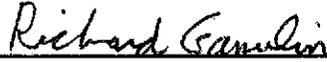


**IN THE
SUPREME COURT OF OHIO**

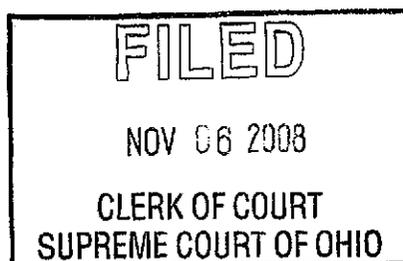
QUEEN CITY LODGE NO. 69, FRATERNAL ORDER OF POLICE,	:	Case No. 2007-2269
Appellant,	:	On Appeal from the
v.	:	Hamilton County Court of Appeals,
STATE EMPLOYMENT RELATIONS BOARD,	:	First Appellate District
and	:	Court of Appeals Case
CITY OF CINCINNATI,	:	No. C-060782
Appellees.	:	

NOTICE OF ADDITIONAL AUTHORITY

JOHN P. CURP (0064782)
City Solicitor


RICHARD GANULIN (0025642)
**Counsel of Record*
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513-352-3329
513-352-1515
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Counsel for Appellee
City of Cincinnati



The Appellee, City of Cincinnati, provides as additional authority the attached Appellant's Partial Voluntary Dismissal that was filed on June 26, 2008, in Case No. A0711489 in the Court of Common Pleas, Hamilton County, Ohio.

Respectfully submitted,

JOHN P. CURP (0064782)
City Solicitor


RICHARD GANULIN (0025642)
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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of Appellee City of Cincinnati's Additional Authority was sent to Counsel for Appellant, Kimberly A. Rutowski, Hardin, Lazarus, Lewis and Marks, LLC, 30 Garfield Place, Suite 915, Cincinnati, Ohio 45202 and Counsel for Appellee, Benjamin C. Mizer, and Anne Light Hoke, 30 East Broad Street, 26th Floor, Columbus, Ohio 43215-3400, by ordinary United States mail this 5th day of November, 2008.


RICHARD GANULIN
Assistant City Solicitor
Counsel for Appellee
City of Cincinnati



**COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO**

City of Cincinnati : Case No. A 0711489
Appellant, : Magistrate Michael L. Bachman
v. :
State Employment Relations Board :
Appellee. :

APPELLANT'S PARTIAL VOLUNTARY DISMISSAL

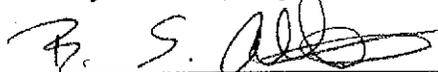
On or about November 29, 2007, the State Employment Relations Board ("SERB") issued a ruling, SERB Opinion 2007-003, concerning two (2) unfair labor practice allegations, SERB Case Nos. 2005-ULP-03-0126 and 2005-ULP-09-0482, filed by Intervenor Queen City Lodge No. 69 ("Union") against the City of Cincinnati ("City"). SERB Case No. 2005-ULP-03-0126, generally, related to the City's efforts to negotiate to impasse the deletion of all existing references to the classification of Assistant Police Chief from the parties' collective bargaining agreement. SERB Case No. 2005-ULP-09-0482, generally, pertained to the terms and conditions of employment received by two (2) newly appointed Assistant Police Chiefs made pursuant to Issue 5, specifically the terms received by Captains Cureton and Demasi following their appointment to the rank of Assistant Police Chief. In SERB Opinion 2007-003, SERB determined that the City violated both R.C. 4117.11(A)(1) and (A)(5) with respect to both unfair labor practice allegations filed by the Union. The City appealed SERB's ruling to this Court.

The City recognizes, however, that unless and until different terms are negotiated and/or agreed upon, newly appointed Assistant Police Chiefs shall be subject to the terms and

conditions of the parties' effective collective bargaining agreement. As a result of the City's recognition of the application of the terms in the parties' collective bargaining agreement to newly appointed Assistant Police Chiefs, the City hereby provides notice to the Court of its partial dismissal of its appeal consistent with Civ. R. 41 as it pertains solely to SERB's determination in SERB Case No. 2005-ULP-09-0482 (the Demasi and Cureton matters). However, it must be expressly noted that the City is not voluntarily dismissing its appeal of SERB Case No. 2005-ULP-03-0126. The City expressly maintains its appeal of SERB Opinion 2007-003 as it relates to SERB Case No. 2005-ULP-03-0126 (bargaining to impasse the deletion of existing references to Assistant Police Chiefs in the parties' Agreement).

Respectfully submitted,

Patricia M. King, Interim Solicitor
City Solicitor, City of Cincinnati



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Augustine Giglio
Assistant City Solicitor
City of Cincinnati
801 Plum Street, Room 214
Cincinnati, Ohio 45202

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **NOTICE OF VOLUNTARY DISMISSAL** has been served, via U.S. Regular Mail, postage prepaid, to Katherine Adams, Assistant Attorney General, Labor Relations Section, 30 East Broad St., 26th Floor, Columbus, Ohio 43215-3400 and to Stephen S. Lazarus and Kimberly A. Rutowski, Hardin, Lefton, Lazarus and Marks 30 Garfield Place, Suite 915, Cincinnati, Ohio 45202 this 26th day of June, 2008.



Benjamin S. Albrecht

Cincinnati/AppealofSERBDecision--2008/6-08VoluntaryDismissal