

IN THE SUPREME COURT

AMERICAN FIBER SYSTEMS, INC.,)
)
)
) Appellants,)
)
 vs.)
) Appeal from the Ohio Board of Tax
) Appeals BTA Case No. 2006-B-118
)
 RICHARD A. LEVIN, FORMERLY)
 WILLIAM J. WILKINS, TAX)
 COMMISSIONER OF THE STATE)
 OF OHIO,)
)
) Appellees.)

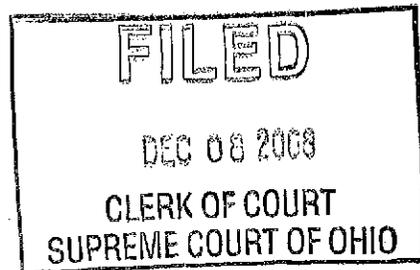
MOTION FOR THE COURT TO HEAR ORAL ARGUMENT

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Pursuant to S. Ct. Prac. R. IX, Section 7(A) the Appellant respectfully requests that the Court hear oral argument in this Appeal. The case involves the application of the doctrine of collateral estoppel in cases before the Tax Commissioner of Ohio and involves legal issues that will affect other litigants in the State of Ohio.

Respectfully submitted,



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CERTIFICATE OF SERVICE

A copy of the foregoing Motion for the Court to hear oral argument was mailed via regular U.S. Mail postage prepaid, the 8th day of December 2008, to Barton A. Hubbard, Attorney General's Office, Tax Division, State Office Tower, 30 East Broad Street, 16th Floor, Columbus, Ohio 43215-3428, Attorney for the Appellee Tax Commissioner of Ohio.

A handwritten signature in black ink, appearing to read "Todd W. Sleggs", is written over a horizontal line. The signature is somewhat stylized and scribbled.

Todd W. Sleggs, Esq. (0040921)