

IN THE SUPREME COURT OF OHIO

09-0015

BRIAN P. SPITZNAGEL, et al.,)
Appellants)
v.)
STATE BOARD OF EDUCATION, et al.,)
Appellees.)

CASE NO.
On Appeal from the Franklin County
Court of Appeals, Tenth Appellate
District, Case No. 07AP-757

NOTICE OF APPEAL OF APPELLANTS
BRIAN SPITZNAGEL, MARLENE ANIELSKI, AND
THE VILLAGE OF WALTON HILLS

FILED
JAN 05 2009
CLERK OF COURT
SUPREME COURT OF OHIO

STEPHEN W. FUNK (0058506)
*Counsel of Record
Roetzel & Andress, LPA
222 South Main Street, Suite 400
Akron, Ohio 44308
(330) 376-2700 (telephone)
(330) 376-4577 (facsimile)
sfunk@ralaw.com

David R. Harbarger, Esq. (0006202)
ROETZEL & ANDRESS, LPA
1375 E. Ninth Street
One Cleveland Center, 9th Floor
Cleveland, Ohio

Counsel for Appellants
Brian Spitznagel, Marlene Anielski
and the Village of Walton Hills

RICHARD CORDRAY
Attorney General of Ohio

BENJAMIN C. MIZER (0083089)
Solicitor General
*Counsel of Record

STEPHEN P. CARNEY (0063460)
Deputy Solicitor

REID T. CARYER (0079825)
Assistant Attorneys General
30 East Broad Street, 17th Floor
Columbus, Ohio 43215
(614) 466-8980 (telephone)
(614) 466-5087 (facsimile)
bmizer@ag.state.oh.us

Counsel for Appellee State Board of Education

D. LEWIS CLARK (0046644)

**Counsel of Record*

MEGHAN E. HILL (0078183)

Squire, Sanders & Dempsey, LLP

1300 Huntington Center

41 South High Street

Columbus, Ohio 43215-6197

(614) 365-2703

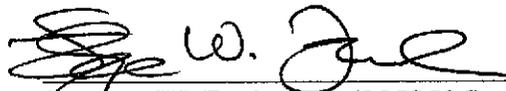
Counsel for Appellee Bedford City School Dist.

**Notice of Appeal of Appellants Brian Spitznagel,
Marlene Anielski and the Village of Walton Hills**

Appellants Brian Spitznagel, Marlene Anielski, and the Village of Walton Hills hereby give notice of appeal to the Supreme Court of Ohio from the Journal Entry and Decision of the Franklin County Court of Appeals, Tenth Appellate District, entered in Court of Appeals Case No. 07APE-09-0757, on November 21, 2008, and November 20, 2008, respectively. A copy of the Court of Appeals' Journal Entry, dated November 21, 2008, and a copy of the Court of Appeals' Decision, dated November 20, 2008, are attached to Appellants' Memorandum in Support of Jurisdiction, which is being filed contemporaneously herewith in accordance with S.Ct. R. II and III.

As set forth in Appellants' Memorandum in Support of Jurisdiction, this case presents issues of public and great general interest and involves a substantial constitutional question.

Respectfully submitted,



Stephen W. Funk, Esq. (0058506)

**Counsel of Record*

ROETZEL & ANDRESS, LPA

222 South Main Street, Suite 400

Akron, Ohio 44308

(330) 376-2700 (telephone)

(330) 376-4577 (facsimile)

sfunk@ralaw.com

David R. Harbarger, Esq. (0006202)

ROETZEL & ANDRESS, LPA

1375 E. Ninth Street

One Cleveland Center, 9th Floor

Cleveland, Ohio

(216) 623-0150 (telephone)

(216) 623-0134 (facsimile)

dharbarger@ralaw.com

Counsel for Petitioners-Appellants

Brian Spitznagel, Marlene Anielski and

The Village of Walton Hills

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of January, 2009, a true and correct copy of the foregoing NOTICE OF APPEAL was served via regular U.S. mail, postage pre-paid, to the following counsel of record for the Appellees in this case:

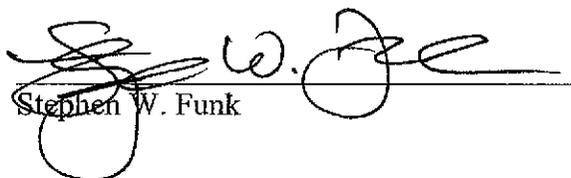
D. Lewis Clark, Jr., Esq.
Meghan E. Hill, Esq.
Squire, Sanders & Dempsey, LLP
1300 Huntington Center
41 South High Street
Columbus, Ohio 43215-6197

Counsel for Appellee Bedford City School Dist.

Benjamin C. Mizer, Esq.
Stephen P. Carney, Esq.
Ohio Attorney General's Office
30 East Broad Street, 17th Floor
Columbus, Ohio 43215

Reid T. Caryer, Esq.
Ohio Attorney General's Office
Education Section
30 East Broad Street, 16th Floor
Columbus, Ohio 43215

Counsel for Appellee State Board of Education


Stephen W. Funk