

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, EX REL.,
Butler Township Board of Trustees

Relator-Appellant,

v.

Montgomery County Board
Of County Commissioners, *et al.*,

Respondents-Appellees.

On Appeal from the
Montgomery County Court
Of Appeals, Second Appellate
District

Court of Appeals
Case No. CA-022664

Supreme Court Case No.

09-0186

NOTICE OF APPEAL OF RELATOR-APPELLANT
BUTLER TOWNSHIP BOARD OF TRUSTEES

Wanda L. Carter (#0021458)
(Counsel of Record)
NEWHOUSE, PROPHATER, LETCHER
& MOOTS, LLC
5025 Arlington Centre Blvd., Suite 400
Columbus, OH 43220
Telephone: 614-255-5441
Facsimile: 614-255-5446

Counsel for Relator-Appellant
Butler Township Board of Trustees

John Cumming (#0018710)
(Counsel of Record)
MONTGOMERY COUNTY ASSISTANT
PROSECUTOR
301 W. 3rd Street, 5th Floor
Dayton, OH 45422
(937) 496-7797
(937) 225-4822 – Fax

Counsel for Respondent-Appellee Montgomery
County Board of County Commissioners

Catherine A. Cunningham (#0015730)
(Counsel of Record)
PLANK & BRAHM
145 E. Rich Street
Columbus, Ohio 43215
(614) 228-4546
(614) 228-1472 – Fax

Counsel for Respondent-Appellee City of
Union

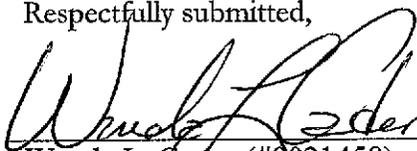


NOTICE OF APPEAL OF RELATOR-APPELLANT
BUTLER TOWNSHIP BOARD OF TRUSTEES

Relator-Appellant hereby gives notice of appeal to the Supreme Court of Ohio from the judgment of the Montgomery County Court of Appeals, Second Appellate District, entered in Court of Appeals Case No. CA-022664 on December 12, 2008.

This case is one of public or great general interest.

Respectfully submitted,



Wanda L. Carter (#0021458)
NEWHOUSE, PROPHATER, LETCHER
& MOOTS, LLC
5025 Arlington Centre Blvd., Suite 400
Columbus, OH 43220
Telephone: 614-255-5441
Facsimile: 614-255-5446

Counsel for Relator-Appellant
Butler Township Board of Trustees

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Notice of Appeal was sent by regular US Mail, postage prepaid, to:

John Cumming
Montgomery County Asst. Prosecutor
301 W. 3rd Street, 5th Floor
P.O. Box 972
Dayton, Ohio 45422

Catherine A. Cunningham
Plank & Brahm
145 E. Rich Street
Columbus, Ohio 43215

this 26th day of January, 2009.


Wanda L. Carter (#0021458)



FILED
COURT OF APPEALS

2008 DEC 12 AM 8:41

GREGORY A. BRUSH
CLERK OF COURTS
MONTGOMERY CO., OHIO
39

IN THE COURT OF APPEALS FOR MONTGOMERY COUNTY, OHIO

STATE OF OHIO, EX REL., BUTLER	:	
TOWNSHIP BOARD OF TRUSTEES	:	
Relator - Appellant	:	C.A. CASE NO. 22664
v.	:	T.C. NO. 2008-CV-0509
MONTGOMERY COUNTY BOARD OF	:	FINAL ENTRY
COUNTY COMMISSIONERS, ET AL.	:	
Respondents-Appellees	:	
	:	

Pursuant to the opinion of this court rendered on the 12th day of December, 2008, the judgment of the trial court is affirmed.

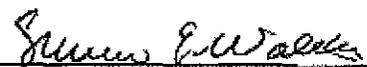
Costs to be paid as stated in App.R. 24.



JAMES A. BROGAN, Judge



MIKE FAIN, Judge



SUMNER E. WALTERS, Judge
(Sitting by assignment of the Chief
Justice of the Supreme Court of Ohio)

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT

Copies mailed to:

Wanda L. Carter
3600 Olentangy River Road
Columbus, Ohio 43214-3913

John A. Cumming
Asst. Prosecuting Attorney
301 W. Third Street
P.O. Box 972
Dayton, Ohio 45422

Catherine A. Cunningham
145 E. Rich Street
Columbus, Ohio 43215-5240

Hon. Mary Wiseman
Montgomery County Common Pleas Court
41 N. Perry Street
P.O. Box 972
Dayton, Ohio 45422

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT