

ORIGINAL

IN THE SUPREME COURT OF OHIO

10-0118

BOARD OF TRUSTEES OF THE TOBACCO USE PREVENTION AND CONTROL FOUNDATION, et al.,	:	
	:	
Plaintiffs-Appellants,	:	On Appeal from the Franklin County Court of Appeals, Tenth Appellate District
v.	:	
	:	
KEVIN L. BOYCE, TREASURER OF STATE, et al.,	:	Court of Appeals Case Nos. 09AP-768, 09AP-785 09AP-832
	:	
Defendants-Appellants.	:	

ROBERT G. MILLER, JR., et al.,	:	
	:	
Plaintiffs-Appellants,	:	On Appeal from the Franklin County Court of Appeals, Tenth Appellate District
v.	:	
	:	
STATE OF OHIO, et al.,	:	Court of Appeals Case Nos. 09AP-769, 09AP-786 09AP-833
	:	
Defendants-Appellees.	:	

**NOTICE OF APPEAL OF PLAINTIFFS-APPELLANTS ROBERT G. MILLER, JR., DAVID W. WEINMANN, AND AMERICAN LEGACY FOUNDATION**

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 The State of Ohio and Attorney  
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**FILED**  
 JAN 21 2010  
 CLERK OF COURT  
 SUPREME COURT OF OHIO

~~**FILED**  
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 CLERK OF COURT  
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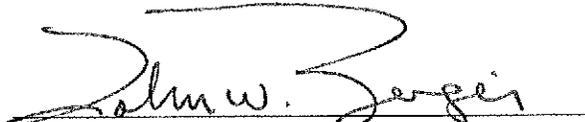
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NOTICE OF APPEAL OF PLAINTIFFS-APPELLANTS ROBERT G. MILLER, JR.,  
DAVID W. WEINMANN, AND AMERICAN LEGACY FOUNDATION

Plaintiffs-Appellants Robert G. Miller, Jr., David W. Weinmann, and American Legacy Foundation hereby give notice of appeal to the Supreme Court of Ohio from the Nunc Pro Tunc Judgment Entry of the Franklin County Court of Appeals, Tenth Appellate District, entered in Court of Appeals Case Nos. 09AP-768, 09AP-769, 09AP-785, 09AP-786, 09AP-832, and 09AP-833 on January 5, 2010, and the Decision and Judgment Entry of the Franklin County Court of Appeals, Tenth Appellate District, entered in Court of Appeals Case Nos. 09AP-768, 09AP-769, 09AP-785, 09AP-786, 09AP-832, and 09AP-833 on December 31, 2009.

This is an appeal as of right because this case raises substantial constitutional questions. Ohio Const. Art. IV, § 2(B)(2)(a)(ii). This case is also one of public and great general interest.

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was served via U.S. mail, postage prepaid, this 21<sup>st</sup> day of January, 2010 upon:

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