

ORIGINAL

IN THE SUPREME COURT OF OHIO

CITY OF CLEVELAND	:	Case No. 09-2280
	:	
Plaintiff - Appellee,	:	On Appeal from the
	:	Eighth District Court of Appeals
v.	:	Cuyahoga County, Ohio
	:	
STATE OF OHIO	:	Court of Appeals
	:	Case No. 92663
Defendant – Appellant.	:	
	:	
	:	
	:	

BRIEF OF AMICUS CURIAE THE OHIO MUNICIPAL LEAGUE IN SUPPORT OF APPELLEE, CITY OF CLEVELAND

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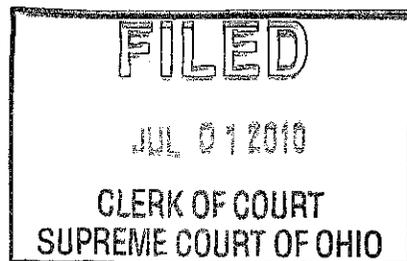
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INTRODUCTION

The Ohio Municipal League (the “League”), as amicus curiae on behalf of the City of Cleveland, Ohio (“City”), urges this Court to either summarily affirm the lower court’s decision or dismiss this case as having been improvidently allowed. The Eighth District Court of Appeals, *City of Cleveland v. State of Ohio* (2009), 185 Ohio App.3d 59, 923 N.E.2d 183, set forth the correct legal analysis controlling this matter.

STATEMENT OF AMICUS INTEREST

The Ohio Municipal League is a non-profit Ohio corporation composed of a membership of more than 750 Ohio cities and villages. The League and its members have an interest in ensuring that municipal home rule powers are not unconstitutionally limited.

STATEMENT OF THE CASE AND FACTS

The League hereby adopts, in its entirety, and incorporates by reference, the statement of the case and facts in *City of Cleveland v. State of Ohio* (2009), 185 Ohio App.3d 59, 923 N.E.2d 183.

THIS CASE SHOULD BE SUMMARILY AFFIRMED OR DISMISSED AS IMPROVIDENTLY ALLOWED

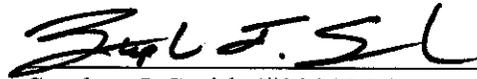
The Eighth District Court of Appeals correctly analyzed the issues presented in this case and, therefore, this case should be either summarily affirmed or dismissed as improvidently allowed. The Eighth District Court of Appeals correctly concluded that R.C. 9.68 unconstitutionally attempts to limit home rule police powers, and appropriately citing this court’s precedents on the home rule authority of municipalities. No further expansion of the issues

presented in this case is necessary to develop the law in this area. Consequently, this court is urged to affirm the lower court's opinion or dismiss this case as having been improvidently allowed.

CONCLUSION

Based upon the foregoing, the League respectfully requests this Court to summarily affirm this case or dismiss it as improvidently allowed.

Respectfully submitted,



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CERTIFICATE OF SERVICE

A copy of the foregoing *Brief of Amicus Curiae the Ohio Municipal League in Support of Appellee, City of Cleveland* has been sent via regular U.S. mail, postage pre-paid this 1st day of July, 2010 to:

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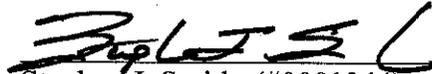
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