

**ORIGINAL**

**IN THE SUPREME COURT OF OHIO,  
COLUMBUS, OHIO**

**TRANS RAIL AMERICA, INC.,** )  
)  
Appellant, )  
)  
-vs- )  
)  
**JAMES J. ENYEART, M.D.,** )  
**HEALTH COMMISSIONER,** )  
**TRUMBULL COUNTY HEALTH DEPT.,)**  
)  
)  
)  
Appellee. )

CASE NO. **10-1709**  
  
On Appeal from the Tenth District Court of  
Appeals, Case Nos. 07AP-273 & 07AP-284  
  
Environmental Review Appeals  
Commission No. 785917

---

**NOTICE OF APPEAL OF APPELLANT,  
TRANS RAIL AMERICA, INC.**

---

Michael A. Partlow (0037102)  
MORGANSTERN, MacADAMS & DeVITO CO., L.P.A.  
623 West St. Clair  
Cleveland, Ohio 44113  
(216) 621-4244

Attorney for Appellant

Robert C. Kokor (0062326)  
Ronald James Rice Co. LPA  
48 West Liberty Street  
Hubbard, Ohio 44425  
(330) 534-1901

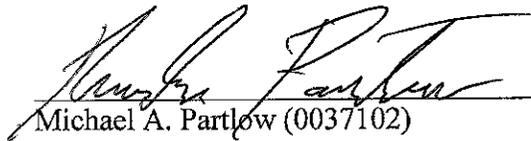
Attorneys for Appellee

**FILED**  
**OCT 01 2010**  
**CLERK OF COURT**  
**SUPREME COURT OF OHIO**

Appellant, Trans Rail America, Inc., hereby gives Notice of Appeal to the Supreme Court of Ohio from the judgment of the Franklin County Court of Appeals, Tenth Judicial District, entered in the Court of Appeals Case Nos. 07AP-273 & 07AP-284 on June 30, 2010. Appellant filed a timely Motion for Reconsideration of that decision, pursuant to App. R.26, on July 12, 2010, which was denied in a Judgment Entry and Memorandum Decision dated August 17, 2010.

This case is one of great general and public interest and concerns substantial constitutional issues for which leave to appeal to this Court should be granted.

Respectfully submitted,

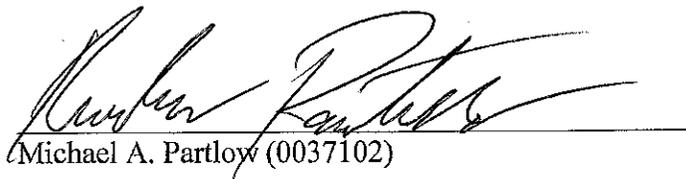


Michael A. Partlow (0037102)  
623 West St. Clair  
Cleveland, Ohio 44113  
(216) 621-4244

Attorney for Appellant

**CERTIFICATE OF SERVICE**

A copy of the foregoing **Notice of Appeal**, is being served via regular U.S. Mail, postage prepaid on this 1<sup>st</sup> day of October, 2010, upon: Robert C. Kokor, Ronald James Rice Co. LPA, 48 West Liberty Street, Hubbard, Ohio 44425.



Michael A. Partlow (0037102)

Attorney for Appellant