

ORIGINAL

In the
Supreme Court of Ohio

CITY OF GIRARD, OHIO,

Appellant,

v.

YOUNGSTOWN BELT
RAILWAY CO., et al.,

Appellees.

: Case No. 2011-1850
:
:
: On Appeal from the
: Trumbull County
: Court of Appeals,
: Eleventh Appellate District
:
: Court of Appeals Case
: No. 2010-T-0079

MOTION OF *AMICUS CURIAE* STATE OF OHIO
FOR LEAVE TO PARTICIPATE IN ORAL ARGUMENT

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SUPREME COURT OF OHIO

Pursuant to S.Ct. Prac. R. 9.6(A), the State of Ohio, which appears here as amicus curiae in support of neither party, respectfully asks the Court for leave to participate in the oral argument on this matter scheduled for June 19, 2012. For the State of Ohio, this case has considerable implications. Extraordinary circumstances therefore support the State's participation at oral argument.

First, this case involves questions of federal preemption and the State has a profound interest in cases that affect the integrity of its laws within the federal system. The State is also well-situated to address preemption-related concerns regarding the Interstate Commerce Commission Termination Act ("ICCTA") and the railroad industry.

Second, this case happens to arise from an attempted exercise of eminent-domain power by a local government, but it presents important health, safety, and environmental issues of statewide (and not merely local) concern. The scope of ICCTA preemption implicates—and potentially could cut off—critical state oversight of various waste-disposal ventures in Ohio. The State's participation at oral argument can aid the Court's understanding of these issues and can illuminate the public interests that inform these legal questions but that are likely beyond the specific concerns of the parties.

For all of these reasons, the State of Ohio asks the Court for five minutes of argument time, and if granted, proposes that its argument be situated after Appellants' opening argument and before the Appellee's argument, which would give both sides an opportunity to address the State's positions if they wish.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion of *Amicus Curiae* State of Ohio for Leave to Participate in Oral Argument was served by U.S. mail this 29th day of May, 2012 upon the following counsel:

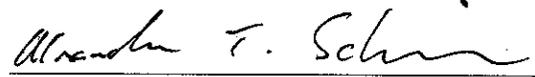
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