

In the  
**Supreme Court of Ohio**

CAPITAL CARE NETWORK OF TOLEDO,	:	Case No. _____
	:	
Appellant-Appellee,	:	On Appeal from the
	:	Lucas County
v.	:	Court of Appeals,
STATE OF OHIO	:	Sixth Appellate District
DEPARTMENT OF HEALTH,	:	
	:	Court of Appeals
Appellee-Appellant.	:	Case No. CL-201501186
	:	

---

**NOTICE OF APPEAL OF APPELLEE-APPELLANT  
STATE OF OHIO DEPARTMENT OF HEALTH**

---

ALPHONSE A. GERHARDSTEIN (0032053)  
JENNIFER L. BRANCH\* (0038893)

*\*Counsel of Record*  
Gerhardstein & Branch Co., L.P.A.  
441 Vine Street, Suite 3400  
Cincinnati, Ohio 45202  
513-621-9100  
513-345-5543 fax  
agerhardstein@gbfirm.com

TERRY J. LODGE (0029271)  
316 N. Michigan Street, Suite 520  
Toledo, Ohio 43604-5627  
419-255-7552  
419-255-7552 fax  
tlodge@yahoo.com

Counsel for Appellant-Appellee,  
Capital Care Network of Toledo

MICHAEL DEWINE (0009181)  
Attorney General of Ohio

ERIC E. MURPHY\* (0083284)  
State Solicitor  
*\*Counsel of Record*

STEPHEN P. CARNEY (0063460)  
PETER T. REED (0089948)  
Deputy Solicitors  
30 East Broad Street, 17th Floor  
Columbus, Ohio 43215  
614-466-8980  
614-466-5087 fax  
eric.murphy@ohioattorneygeneral.gov

Counsel for Appellee-Appellant  
State of Ohio Department of Health

**NOTICE OF APPEAL OF APPELLEE-APPELLANT  
STATE OF OHIO DEPARTMENT OF HEALTH**

Appellee-Appellant State of Ohio Department of Health gives notice of this discretionary appeal to this Court, pursuant to Ohio Supreme Court Rules 5.02 and 7.01, from a decision of the Sixth District Court of Appeals captioned *Capital Care Network of Toledo v. State of Ohio Department of Health*, No. CL-201501186, issued and journalized on July 29, 2016.

Date-stamped copies of the Sixth District's Decision and Judgment, the Lucas County Court of Common Pleas Opinion and Judgment Entry, and the Department of Health's Adjudication Order are attached as Appendix 1 through 3, respectively, to the Appellant's Memorandum in Support of Jurisdiction.

For the reasons set forth in the accompanying Memorandum in Support of Jurisdiction, this case raises a substantial constitutional question and is of great general interest.

Respectfully submitted,

MICHAEL DEWINE (0009181)

Attorney General of Ohio

/s/ Eric E. Murphy

ERIC E. MURPHY\* (0083284)

State Solicitor

*\*Counsel of Record*

STEPHEN P. CARNEY (0063460)

PETER T. REED (0089948)

Deputy Solicitors

30 East Broad Street, 17th Floor

Columbus, Ohio 43215

614-466-8980

614-466-5087 fax

eric.murphy@ohioattorneygeneral.gov

Counsel for Appellee-Appellant

State of Ohio Department of Health

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Notice of Appeal of Appellee-Appellant State of Ohio Department of Health was served by U.S. mail this 12th day of September, 2016, upon the following:

Alphonse A. Gerhardstein  
Jennifer L. Branch  
Gerhardstein & Branch Co., L.P.A.  
441 Vine Street, Suite 3400  
Cincinnati, Ohio 45202

Terry J. Lodge  
316 N. Michigan Street, Suite 520  
Toledo, Ohio 43604-5627

Counsel for Appellant-Appellee,  
Capital Care Network of Toledo

/s/ Eric E. Murphy  
Eric E. Murphy  
State Solicitor