

STATE OF INDIANA)
)
COUNTY OF MARION)

IN THE MARION SUPERIOR COURT
CIVIL DIVISION 7
CAUSE NO. 49D07-0701-CT-000730

JEFF KOEHLINGER and JEFF FRAZER,)
individually and as representatives)
of a class of all similarly situated persons,)

Plaintiffs,)

v.)

THE STATE LOTTERY COMMISSION)
OF INDIANA,)

Defendant.)

FILED

MAR 04 2010

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Elizabeth A. White
CLERK OF THE MARION CIRCUIT COURT

NOTICE OF APPEAL FROM TRIAL COURT

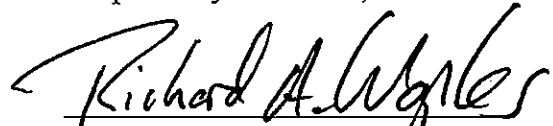
The Plaintiff Class, by counsel, pursuant to Ind. Appellate Rule 9(A), respectfully gives notice of an appeal from the following order entered by the Marion Superior Court: "Order Denying the Plaintiffs' Motion for Summary Judgment and Granting the Defendant's Motion for Summary Judgment," (filed March 3, 2010). In accordance with Ind. Appellate Rule 9(F), which governs the content of this notice, the Plaintiff Class states:

1. This appeal is from a summary judgment which constitutes the final judgment of the trial court.
2. This appeal will be taken to the Indiana Court of Appeals pursuant to Ind. Appellate Rule 5.
3. Pursuant to Ind. Appellate Rule 10, the clerk of the Marion Superior Court is requested to assemble the Clerk's Record, as defined in Ind. Appellate Rule 2(E).
4. Pursuant to Ind. Appellate Rule 11, the court reporter of the Marion Superior Court is notified that the summary judgment hearing was not evidentiary but rather consisted of

oral argument on the paper records submitted; hence no transcriptions of that or other hearings are requested. The clerk's Record shall consist of all papers filed by the parties and all orders entered by the Court throughout the case.

5. Once the Clerk of the Marion Superior Court has assembled the CCS and the Clerk's Record, as required by Ind. Appellate Rule 10 B, it is requested to serve Notice of the same by filing and service on the parties, as required by Appellate Rule 10.

Respectfully submitted,



Richard A. Waples, Atty. No. 2132-49
Attorney for the Plaintiff Class

Dated: March 4, 2010

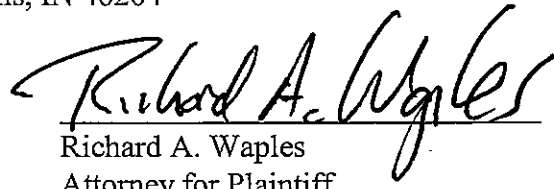
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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this document was served by U.S. First Class

Mail, postage prepaid, upon the following counsel of record on March 4, 2010:

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