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**AND**  
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ATTORNEYS AT LAW

**FOR IMMEDIATE  
RELEASE**

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**APPEAL FILED IN “TRASH FEE” LAWSUIT**

Toledo, Ohio -- On April 10, 2008, Karen Shanahan filed a lawsuit in the Lucas County Court of Common Pleas, challenging the constitutionality of the controversial “refuse fee” collected by the City of Toledo. Ms. Shanahan requested class certification, for the purpose of recovering all “refuse fee” funds on behalf of Toledo taxpayers. In pre-trial motions, the City argued that even if the “trash fee” is unconstitutional, Toledo residents who paid the fee could not recover their money. The City, citing an obscure section of the Ohio Revised Code, claimed that citizens could not file suit to recover unlawful taxes unless every member of the plaintiff’s class “filed a written protest” at “the time of paying such taxes.”

The trial court agreed with the City, allowing Mrs. Shanahan to continue seeking injunctive relief, but preventing Mrs. Shanahan from initiating a class action to recover “trash fees” already collected by the City. On March 23, 2009, Mrs. Shanahan filed a notice of appeal with the Sixth District Court of Appeals, arguing that the City would be unjustly enriched if allowed to retain the proceeds of an unconstitutional fee or tax.

While the appeal is pending, Ms. Shanahan encourages all Toledo residents subject to the “refuse fee” to enclose a written protest notice with every future payment of the “refuse fee.” For Toledo citizens interested in protesting the “refuse fee,” a convenient protest form is available at <http://trashtax.blogspot.com/>.

**About Ciolek & Wicklund**

Ciolek & Wicklund is a general practice law firm located in downtown Toledo, Ohio. For information about Ciolek & Wicklund, please visit [cw.law.pro](http://cw.law.pro).