

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

No. 09-3743

TEXAS GAS TRANSMISSIONS, LLC,
Plaintiff - Appellant,**FILED**
Oct 29, 2010
LEONARD GREEN, Clerk

v.

BUTLER COUNTY BOARD OF COMMISSIONERS; GREGORY JOLIVETTE,
CHARLES FURMON, MICHAEL FOX, Butler County Commissioners; BUTLER
COUNTY, OHIO; HUT-1-LLC,
Defendants - Appellees.

Before: GIBBONS and GRIFFIN, Circuit Judges; DOWD, Senior District Judge.

JUDGMENTOn Appeal from the United States District Court
for the Southern District of Ohio at Cincinnati.THIS CAUSE was heard on the record from the district court and was argued by
counsel.IN CONSIDERATION WHEREOF, it is ORDERED that the portion of plaintiff Texas
Gas Transmissions' appeal as to whether defendant Butler County's actions constitute a taking
of property for which just compensation must be provided is DISMISSED for lack of
jurisdiction. IT IS FURTHER ORDERED that the judgment of the district court is
AFFIRMED in all other respects.**ENTERED BY ORDER OF THE COURT**_____
Leonard Green, Clerk