

DANIEL M. HOPKINSON

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SUMMIT COUNTY CLERK OF COURTS IN THE COURT OF COMMON PLEAS SUMMIT COUNTY, OHIO

ALISA F. MILLER,)	CASE NO. : CV 2010 07 4690
)	
Appellant,)	JUDGE CALLAHAN
)	
v.)	
)	
DIRECTOR, OHIO DEPARTMENT OF)	<u>JUDGMENT ENTRY</u>
JOB AND FAMILY SERVICES, et al.,)	
)	
Appellees.)	

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This matter is before the Court upon Plaintiff's Administrative Appeal from a May 5, 2010 Decision by the Ohio Unemployment Compensation Review Commission. This case was referred to Magistrate Bouhall pursuant to Civ.R. 53 for a hearing on Appellee Ohio Department of Job and Family Services' Motion to Dismiss the instant administrative appeal for lack of subject matter jurisdiction.

The Court finds that Magistrate Bouhall filed her Decision herein on November 3, 2011 and copies thereof were served upon counsel of record in accordance with Civ.R. 53. Pursuant to Civ.R. 53(D)(4)(e)(i), the Court adopted the Magistrate's Decision and entered final Judgment dismissing the instant administrative appeal also on November 3, 2011. Appellant Alisa Miller filed an Objection to Magistrate Decision and Mediation Request on December 8, 2011. Appellee Ohio Department of Job and Family Services filed a Response on January 4, 2012.

Civ.R. 53(D)(3)(b)(i) requires a party to file her objections to a magistrate's decision within fourteen days of filing the decision regardless of whether the court has adopted the decision during that fourteen-day period. The Magistrate's Decision was filed and the Court adopted and entered a final Judgment on that Decision on November 3, 2011. Objections to the Magistrate Decision were due by November 17, 2011. Appellant Miller, however, did not file

her Objection until December 8, 2011, twenty-one days late. Further, the Court had already adopted the Magistrate's Decision and entered a final Judgment dismissing the instant administrative appeal at the time that Appellant filed her untimely Objection.

"[U]ntimely objections filed after the entry of a final judgment are tantamount to a motion for reconsideration, which is a nullity." *Murray v. Goldfinger*, 2d Dist., No. 19433, 2003-Ohio-459, ¶5, citing *Pitts v. Ohio Dept. of Transp.*, 67 Ohio St.2d 378, 379, 423 N.E.2d 1105 (1981). In that same vein, "a judgment entered on a motion for reconsideration is also a nullity and a party cannot appeal from such a judgment." *Rutan v. Collins*, 10th Dist. No. 03AP-36, 2003-Ohio-4826, ¶7, quoting *Primmer v. Lipp*, 5th Dist. No. 02-CA-94, 2003-Oio-3577, ¶7.

Upon the expiration of the fourteen-day period to file objections, the November 3, 2011 Magistrate's Decision and Judgment Entry became a final, appealable order. *E.g., Levy v. Ivie*, 10th Dist. No. 10AP-1185, 2011-Ohio-4055, ¶15. Accordingly, Appellant Miller's untimely Objection is a nullity, which this trial court lacks jurisdiction to review and decide. *Id.*

Appellant Miller's untimely filed Objection to Magistrate Decision and Mediation Request is dismissed.

IT IS SO ORDERED.

JUDGE LYNNE S. CALLAHAN

cc: Attorney Susan M. Sheffield
Attorney Brian A. Smith
Appellant Alisa F. Miller