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**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

KIM A. RANKIN
Plaintiff

MICKEY FORD - ET AL.
Defendant

Case No: CV-11-767457

Judge: JOSE A VILLANUEVA

JOURNAL ENTRY

FINAL PRETRIAL HAD ON 1/17/2012. PLAINTIFF/APPELLANT APPEARED PRO SE. DEFENDANT/APPELLEE REPRESENTED BY COUNSEL. EXTENSIVE DISCUSSIONS WERE HAD REGARDING DEFENDANT/APPELLEE'S 11/15/2011 MOTION TO DISMISS THAT ASSERTS PLAINTIFF/APPELLANT DID NOT TIMELY FILE HER ADMINISTRATIVE APPEAL. THE ADMINISTRATIVE DECISION FROM WHICH APPEAL WAS TAKEN WAS ISSUED ON SEPTEMBER 21, 2011. PURSUANT TO STATUTE, THE APPEAL WAS TO HAVE BEEN FILED NO LATER THAN OCTOBER 21, 2011. PLAINTIFF/APPELLANT STATED TO THE COURT THAT SHE MAILED HER APPEAL TO THE CLERK OF COURTS FOR THE COURT OF COMMON PLEAS ON OR ABOUT 10/17/2011 ASKING THAT IT BE FILED. SHE FURTHER STATED THAT FOR REASONS SHE CANNOT PRECISELY RECALL (SHE VAGUELY RECALLS THAT THE DOCUMENTS MAY HAVE BEEN RETURNED FOR LACK OF ORIGINALS OR A MISSING CASE NUMBER AS EVIDENCED BY A "POST-IT" NOTE AFFIXED TO THE RETURNED DOCUMENTS THAT SHE NO LONGER HAS IN HER POSSESSION), THESE DOCUMENTS WERE RETURNED TO HER BY THE CLERK OF COURTS WITHOUT HAVING BEEN DOCKETED. SHE RECEIVED THE RETURN OF HER APPEAL DOCUMENTS ON OR ABOUT OCTOBER 20, 2011. SHE DISCOVERED THEM IN HER MAILBOX WHEN SHE RETURNED HOME FROM WORK THAT EVENING. SHE IMMEDIATELY RE-MAILED THE DOCUMENTS TO THE CLERK OF COURTS (EITHER THAT VERY EVENING OR THE NEXT MORNING) ANTICIPATING THAT THEY WOULD ARRIVE AT THE CLERK OF COURTS AND BE DOCKETED ON OCTOBER 21, 2012, A FRIDAY. UNFORTUNATELY, THE APPEAL WAS NOT DOCKETED UNTIL THE FOLLOWING MONDAY, OCTOBER 24, 2011 AT 1:12 P.M. DURING THE FINAL PRETRIAL HEARING PLAINTIFF/APPELLANT FURTHER ADVISED THE COURT SHE WAS AWARE THE APPEAL NEEDED TO BE FILED BY OCTOBER 21, 2011. SHE ALSO REVEALED SHE WAS BEING ADVISED BY AN ATTORNEY THROUGHOUT THE PROCESS. ALTHOUGH SHE WAS PREPARING AND FILING DOCUMENTS ON HER OWN AS A PRO SE LITIGANT. UNDER THESE FACTS, THE COURT FINDS THAT THE APPEAL WAS NOT TIMELY FILED AND GRANTS DEFENDANT/APPELLEE'S 11/15/2012 MOTION TO DISMISS. FINAL.
COURT COST ASSESSED AS EACH THEIR OWN.

Judge Signature

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