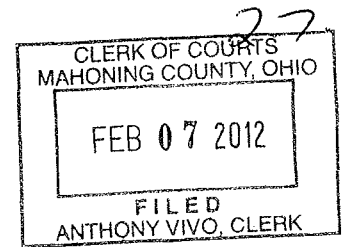


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IN THE COURT OF COMMON PLEAS  
MAHONING COUNTY, OHIO



TIMOTHY P. TRICKETT,

Appellant,

vs.

DIRECTOR, OHIO DEPARTMENT  
OF JOB AND FAMILY SERVICES,

and

STEAM ACTION CARPET  
CLEANING COMPANY, INC.,

Appellees.

CASE NO. 2011-CV-00709

JUDGE R. SCOTT KRICHBAUM

FINAL JUDGMENT ENTRY OF DISMISSAL

This case came on for consideration as a statutory unemployment appeal that was filed by Appellant, Timothy Trickett (Trickett), on March 7, 2011 under R.C. 4141.282. Trickett filed this appeal from the *Decision* of the Unemployment Compensation Review Commission (UCRC) dated February 3, 2011 that denied his claim for unemployment benefits on the basis that he was discharged from his employment by Appellee, Steam Action Carpet Cleaning Company, Inc. (SAC), for just cause under R.C. 4141.29(D)(2)(a).

On January 8, 2010, Trickett filed a claim for unemployment compensation with Appellee, Ohio Department of Job and Family Services (ODJFS). On October 15, 2010, an evidentiary hearing was held by the UCRC in Trickett's disputed claim under R.C. 4141.281.

On October 19, 2010, a *Decision* was issued by a hearing officer of the UCRC that denied Trickett's claim for unemployment benefits on the basis that he was discharged by Appellee SAC for just cause under R.C. 4141.29(D)(2)(a).

On November 8, 2010, Trickett filed a *Request for Review* of the adverse *Decision* of the hearing officer of the UCRC dated October 19, 2010 under R.C. 4141.281.

On February 3, 2011, a final *Decision* was issued by the full UCRC that disallowed Trickett's *Request for Review* pursuant to R.C. 4141.281(C)(5).

On March 7, 2011, Trickett filed a *Notice of Appeal* in the Mahoning County Common Pleas Court pursuant to R.C. 4141.282 seeking the reversal of the *Decision* of the UCRC that denied his claim for unemployment benefits under R.C. 4141.29(D)(2)(a).

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Pursuant to R.C. 4141.282(G), the parties in a statutory unemployment appeal filed under R.C. 4141.282 are legally required to comply with the briefing schedule to be established by the court of common pleas as follows:

R.C. 4141.282(G) // COURT BRIEFING SCHEDULES

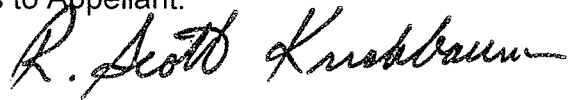
The court shall provide for the filing of briefs by the parties, whether by local rule, scheduling order, or otherwise.

According to the docket of the Clerk of Court in this case, the certified record of the UCRC was filed in this case on April 21, 2011 as required by R.C. 4141.282.

On June 30, 2011, a *Briefing Schedule Order* was filed in this case whereby Trickett was ordered by the Court to file the *Brief of Appellant* no later than October 11, 2011 as required by R.C. 4141.282(G).

However, according to the docket of the Clerk of Court in this case, Trickett failed to file the *Brief of Appellant* by October 11, 2011 as ordered by the Court in the *Briefing Schedule Order* that was filed on June 30, 2011 in violation of R.C. 4141.282(G) and Trickett has taken no other action to prosecute this case.

Based upon the foregoing, the Court hereby ORDERS that this case be DISMISSED for failure to prosecute under R.C. 4141.282 because Trickett failed to file the *Brief of Appellant* in this case by October 11, 2011 as ordered by the Court in the *Briefing Schedule Order* that was filed on June 30, 2011 in violation of R.C. 4141.282(G). Costs to Appellant.



JUDGE R. SCOTT KRICHBAUM

**NOTICE TO THE CLERK OF COURTS**

Pursuant to Civ. R. 58(B), the Mahoning County Clerk of Courts shall serve notice of this *Final Judgment Entry* and its date of entry on the Journal upon all parties as follows:

Mark Lavelle, Esq.  
1045 Tiffany Boulevard, Suite 3  
Youngstown, Ohio 44514  
*Counsel for Appellant*

Patrick MacQueeney, Esq.  
Assistant Attorney General  
Ohio Attorney General's Office  
615 W. Superior Avenue, 11<sup>th</sup> Floor  
Cleveland, OH 44113-1899  
*Counsel for Appellee-ODJFS*

David A. Shepherd, Esq.  
Turner, May & Shepherd  
185 High Street, N.E.  
Warren, Ohio 44481  
*Counsel for Appellee, Steam Action  
Carpet Cleaning Company, Inc.*



**MIKE DEWINE**

★ OHIO ATTORNEY GENERAL ★

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615 W. Superior Ave., 11<sup>th</sup> Floor  
Cleveland, Ohio 44113-1899

February 3, 2012

Judge R. Scott Krichbaum  
Mahoning County Court of Common Pleas  
Mahoning County Courthouse  
120 Market Street, Courtroom 3  
Youngstown, Ohio 44503

RE: *Timothy Trickett v. Director, ODJFS and Steam Action Carpet Cleaning Co., Inc.*  
Mahoning County Court of Common Pleas, Case No. 2011-CV-00709

Dear Judge Krichbaum:

Enclosed please find a proposed *Final Judgment Entry of Dismissal* for your consideration in this statutory unemployment appeal under R.C. 4141.282. If you have any questions, please contact me at 216-787-3096. Thank you for your consideration.

Sincerely,

MIKE DEWINE  
Ohio Attorney General

PATRICK MACQUEENEY  
Assistant Attorney General  
Ohio Attorney General's Office

Enclosure

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