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IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

BRYAN LUTON  
Plaintiff

Case No: CV-11-766212

Judge: CAROLYN B FRIEDLAND

STATE OF OHIO UNEMPLOYMENT ETC. - ET AL.  
Defendant

**JOURNAL ENTRY**

89 DIS. W/ PREJ - FINAL

PENDING BEFORE THE COURT IS A MOTION TO DISMISS FILED BY APPELLEE OHIO UNEMPLOYMENT COMPENSATION REVIEW COMMISSION. THE COMMISSION ARGUES THAT THE COURT DOES NOT HAVE THE SUBJECT MATTER JURISDICTION TO HEAR APPELLANT BRYAN LUTTON'S APPEAL BECAUSE H FAILED TO NAME ALL INTERESTED PARTIES IN HIS NOTICE OF APPEAL TO THE COURT AS REQUIRED BY R.C. 4141.282(D). MR. LUTTON OPPOSED THE MOTION POSITING NUMEROUS ARGUMENTS AS TO WHY THE COURT HAS THE JURISDICTION TO HEAR HIS APPEAL. THE ARGUMENTS ADVANCED BY MR. LUTTON LACK MERIT BECAUSE THE REQUIREMENT THAT A CLAIMANT NAME ALL INTERESTED PARTIES IN HIS NOTICE OF APPEAL IS MANDATORY, AND HIS FAILURE TO STRICTLY COMPLY WITH THE TERMS OF STATUTE DEPRIVE THE COURT OF THE SUBJECT MATTER JURISDICTION TO HEAR HIS APPEAL. SEE, SYDENSTRICKER V. DONATO'S PIZZERIA, 11TH DIST. NO. 2009-L-149, 2010-OHIO-2953, 2010 WL 2557705. UPON REVIEW OF THE NOTICE OF APPEAL, MR. LUTTON FAILED TO NAME IS EMPLOYER, LNE & ASSOCIATES LLP, AN INTERESTED PARTY TO THIS APPEAL. ACCORDINGLY, APPELLEE STATE OF OHIO UNEMPLOYMENT COMPENSATION REVIEW COMMISSION MOTION TO DISMISS (FILED 10/31/2011) IS GRANTED. COSTS TO APPELLANT BRYAN LUTTON. FINAL. COURT COST ASSESSED TO THE PLAINTIFF(S).

Judge Signature

01/24/2012

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01/20/2012

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