

COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CIVIL DIVISION

COURTNEY C. EDWARDS,	:	
	:	
Appellant,	:	CASE NO. 13CV007550
	:	
vs.	:	JUDGE HOLBROOK
	:	
METTLER TOLEDO, <i>et al.</i> ,	:	
	:	
Appellees.	:	

DECISION AND ENTRY
DISMISSING APPEAL FOR LACK OF JURISDICTION

HOLBROOK, JUDGE

This case was filed by *pro se* appellant Courtney C. Edwards. Appellant’s Notice of Appeal states in significant part that Ms. Edwards would like for the Court to “reopen [her unemployment compensation case] Case Number 2013010026” and to review the facts because she was unable to participate in the telephonic hearing scheduled in her appeal due to the illness of a child in her care. *See* Notice of Appeal filed July 11, 2013.

Ohio case law continues to hold that *pro se* civil litigants are bound by the same rules of procedures as litigants with counsel. *Copeland v. Rosario* (Jan. 28, 1998), 9th Dist. No. 18452 at 6, 1998 Ohio App. LEXIS 260 at *7. They are not accorded greater rights and must accept the results of their mistakes and errors. *Kilroy v. B.H. Lakeshore*, 111 Ohio App.3d 357, 363 (1996); *Harris v. Hous. Appeals Bd.*, 9th Dist. No. 20499, 2003-Ohio-724 at *11. *Pro se* litigants are presumed to have knowledge of the law and of correct legal procedure and are held to the same standard as all other litigants. *Meyers v. First Natl. Bank*, 3 Ohio App.3d 209 (1981).

Upon review, this case must be dismissed due to appellant’s failure to invoke the

subject matter jurisdiction of this Court as Appellant's Notice of Appeal does not comport with the requirements of R.C. 4141.282. "It is elementary that an appeal, the right to which is conferred by statute, can be perfected only in the mode prescribed by statute. . . ." *Zier v. Bureau of Unemployment Compensation*, 151 Ohio St. 123, syllabus para.1 (1949). The Ohio Supreme Court has further held that ". . . [c]ompliance with these specific and mandatory requirements governing the filing of such notice is essential to invoke jurisdiction of the Court of Common Pleas. . . ." *Id.* at paragraph two of the syllabus. In this case, the pertinent portion of R.C. 4141.282, being the statute governing the appeal procedure involved herein, states:

(D) The commission shall provide on its final decision the names and addresses of all interested parties. The appellant shall name all interested parties as appellees in the notice of appeal. The Director of Job and Family Services is always an interested party and shall be named as an appellee in the notice of appeal.

In this appeal, the appellant was required to "name all interested parties as appellees in the notice of appeal, including the Director of the Department of Job and Family Services." Although the Appellant named her prior employer and handwrote "and Ohio State Job and Family Services" as a "Defendant" on the Notice of Appeal, Appellant failed to name the Director of ODJFS, as compared to just the Department itself, as a party to the appeal of case no. 2013010026.

"An incorrect notice of appeal does not vest jurisdiction in the court of common pleas." *Sydenstricker v. Donato's Pizzeria, L.L.C.*, 2010-Ohio-2953, at *5 (11th Dist.). See R.C. 4141.282(C). Appellant has not complied with the mandatory requirements of R.C. 4141.282(D). Consequently, the Court's jurisdiction has not been invoked to review any decision of the Unemployment Compensation Review Commission with regard to

Appellant.

Accordingly, the appeal herein is **DISMISSED** based on the fact that the Appellant has not invoked the jurisdiction of this Court.

Rule 58(B) of the Ohio Rules of Civil Procedure provides the following:

(B) Notice of filing. When the court signs a judgment, the court shall endorse thereon a direction to the clerk to serve upon all parties not in default for failure to appear notice of the judgment and its date of entry upon the journal. Within three days of entering the judgment on the journal, the clerk shall serve the parties in a manner prescribed by Civ. R. 5(B) and note the service in the appearance docket. Upon serving the notice and notation of the service in the appearance docket, the service is complete. The failure of the clerk to serve notice does not affect the validity of the judgment or the running of the time for appeal except as provided in App. R. 4(A).

THE COURT FINDS THAT THERE IS NO JUST REASON FOR DELAY.

THIS IS A FINAL APPEALABLE ORDER. Pursuant to Civil Rule 58, the Clerk of Court shall serve notice upon all parties of this judgment and its date of entry.

IT IS SO ORDERED.

Copies To:

Courtney C. Edwards
2482 Potts Place
Hilliard, Ohio 43026
Appellant

Ohio State Department of Job and Family Services
32nd Floor
30 E. Broad Street
Columbus, Ohio 43215
Appellee

Mettler Toledo
1900 Polaris Parkway
Columbus, Ohio 43240

Franklin County Court of Common Pleas

Date: 07-16-2013
Case Title: COURTNEY C EDWARDS -VS- METTLER TOLEDO ET AL
Case Number: 13CV007550
Type: ENTRY

It Is So Ordered.

A handwritten signature in cursive script, reading "Michael J. Holbrook", is written over a circular official seal. The seal contains the text "FRANKLIN COUNTY OHIO" and "CLERK OF COURTS OF THE COMMON PLEAS".

/s/ Judge Michael J. Holbrook

Court Disposition

Case Number: 13CV007550

Case Style: COURTNEY C EDWARDS -VS- METTLER TOLEDO ET
AL

Final Appealable Order: Yes