

**COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO  
CIVIL DIVISION**

**DANE R. LAVIGNE,** :  
 :  
 **Appellant,** : **CASE NO. 13 CV-08-8729**  
 :  
 **-vs-** : **JUDGE KIMBERLY COCROFT**  
 :  
 **OHIO STATE DEPARTMENT** :  
 **OF JOB AND FAMILY SERVICES,** :  
 :  
 **Appellee.** :

**DECISION AND ENTRY**

**COCROFT, J.,**

This matter is before this Court on Appellee, Ohio Department of Job and Family Services', unopposed motion to dismiss filed on October 8, 2013. Pro se appellant, Dane Lavigne, filed, a "letter" on behalf of LG Crew LLC with the Franklin County Clerk of Courts office on August 8, 2013. Appellee contends that this Court lacks jurisdiction to proceed on the merits arguing that the "letter" does not comport with the requirements for filing a notice of appeal pursuant to R.C. 4141.26(D)(2). Additionally, appellee contends that LG Crew LLC, a corporate entity, must be represented by an attorney licensed to practice law in the state of Ohio.

Ohio case law continues to hold that *pro se* civil litigants are bound by the same rules and procedures as those litigants who retain counsel. *Copeland v. Rosario*, 1998 Ohio App. LEXIS 260. 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). *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).

With respect to procedural rules, *pro se* litigants are held to the same standards as a

practicing attorney. The *pro se* litigant is to be treated the same as one trained in the law as far as the requirement to follow procedural law and adhere to court rules. If the Court treats a *pro se* litigant differently, the Court begins to depart from its duty of impartiality and prejudices the handling of the case as it relates to other litigants represented by counsel. See *Justice v. Lutheran Social Servs.* 1993 Ohio LEXIS 2029.

Upon review, appellant's letter, which was accepted by the Franklin County Clerk of Courts in lieu of a notice of appeal, states that "[t]he purpose of this letter is to appeal the decision made that my corporation is liable for unemployment taxes by the Director of the Ohio Department of Job and Family Services." August 8, 2013 Letter. R.C. 4141.26(D)(2) provides in pertinent part:

Such appeal shall be taken by the employer of the director by filing a notice of appeal with the clerk of the {Court of Common Pleas of Franklin County} and with the commission. Such notice of appeal shall set forth the decision appealed and the errors in it. Proof of the filing of such notice with the commission shall be filed with the clerk of such court.

The language of the statute requires that the notice of appeal be served upon the Unemployment Compensation Review Commission in order to comply with the filing requirements of R.C. 4141.26(D)(2). In the case *sub judice* there is nothing in the record to substantiate that appellant served such notice upon the Unemployment Compensation Review Commission. Also, the appellant, Dane Lavigne an individual, is not the proper appellant since the July 10, 2013 Decision of the Unemployment Compensation Review Commission concluded that "LG Crew, LLC/LG Crew is a liable employer under Ohio law, effective March 26, 2012. July 10, 2013 Decision.

Moreover, Ohio law is clear that a corporation or a limited liability company must be represented by an attorney licensed to practice law in the state of Ohio. *Union Savings Association v. Home Owners Aid, Inc.*, 23 Ohio St.2d 60 (1970); see also R.C. 4705.01. R.C. 4705.01 prohibits

anyone from practicing law or commencing or defending an action in which he is not a party concerned unless he has been admitted to the bar by order of the Supreme Court. R.C. 4705.01.

It is the responsibility of all Ohio courts to provide effective standards for admission to the practice of law and for the discipline of those admitted to practice. Litigation must be projected through the courts according to established practice by lawyers who are of high character, skilled in the profession, dedicated to the interest of their clients, and in the spirit of public service. In the orderly process of the administration of justice, any retreat from those principles would be a disservice to the public. To allow a corporation to maintain litigation and appear in court represented by corporate officers or agents only would lay open the gates to the practice of law for entry to those corporate officers or agents who have not been qualified to practice law and who are not amenable to the general discipline of the court. *Union Sav. Ass'n, supra*. Because appellant, rather than a licensed attorney, is representing LG Crew LLC, in addition to the other reasons as previously discussed, this Court does not have jurisdiction to address the merits of this case.

**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 of this judgment and its date of entry upon all parties.

It is so ordered.

Copies to all parties registered for e-filing

Franklin County Court of Common Pleas

**Date:** 11-05-2013

**Case Title:** DANE R LAVIGNE -VS- OHIO STATE DEPARTMENT JOB &  
FAMILY SERVI

**Case Number:** 13CV008729

**Type:** ENTRY

It Is So Ordered.

A handwritten signature in black ink is written over a circular blue seal. The seal contains the text "COMMON PLEAS COURT" at the top, "FRANKLIN COUNTY, OHIO" in the middle, and "ALL THINGS ARE POSSIBLE" at the bottom. The signature is a cursive-style name that appears to be "K. Cocroft".

/s/ Judge Kimberly Cocroft

Court Disposition

Case Number: 13CV008729

Case Style: DANE R LAVIGNE -VS- OHIO STATE DEPARTMENT  
JOB & FAMILY SERVI

Case Terminated: 18 - Other Terminations

Final Appealable Order: Yes

Motion Tie Off Information:

1. Motion CMS Document Id: 13CV0087292013-10-0899980000

Document Title: 10-08-2013-MOTION TO DISMISS

Disposition: MOTION GRANTED