

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

RUSSELL SMITH,

CASE NO. 2014 CV 00053

Plaintiff,

JUDGE MARY KATHERINE HUFFMAN

-vs-

DECISION, ORDER AND ENTRY
SUSTAINING MOTION TO DISMISS

HILLTOP ADVISORS, LLC, et. al,

Defendants.

This matter is before the court on the Motion to Dismiss filed by Appellee, Hilltop Advisors, LLC, on January 31, 2014, and on the Motion to Dismiss of Appellee, Ohio Department of Job & Family Services, filed herein on January 13, 2014. Appellant has not responded to said Motions. These matters are now ripe for decision.

On December 4, 2013, the Ohio Unemployment Compensation Review Commission issued a Decision disallowing Appellant's request for unemployment compensation benefits. The Review Commission's decision contained a statement entitled "Appeal Rights," which notified Appellant that he must file an appeal with the Common Pleas Court pursuant to R.C. 4141.282(A) within thirty days of the date of mailing of the Decision. In order to be timely, any appeal by Appellant would have been required to be filed on or before January 3, 2014. Appellant, Russell Smith, filed his Notice of Appeal herein on January 6, 2014.

O.R.C. §4141.282(A) provides:

Any interested party, within thirty days after written notice of the final decision of the unemployment compensation review commission was sent to all interested parties, may appeal the decision of the commission to the court of common pleas.

Furthermore, any appeal must be filed with the court of common pleas of the county where the appellant, if an employee, is a resident. If an appellant is not a resident of this state, the appeal must be filed in the court of common pleas of Franklin County. O.R.C. §4141.282(B).

The court finds that Appellant failed to timely perfect his appeal and said appeal was not failed in the appropriate court. Therefore, said Motion to Dismiss is hereby **SUSTAINED** and this appeal is **DISMISSED**.

SO ORDERED:

JUDGE MARY KATHERINE HUFFMAN

THIS IS A FINAL APPEALABLE ORDER, AND THERE IS NOT JUST CAUSE FOR DELAY FOR PURPOSES OF CIV. R. 54. PURSUANT TO APP. R. 4, THE PARTIES SHALL FILE A NOTICE OF APPEAL WITHIN THIRTY (30) DAYS.

SO ORDERED.

JUDGE MARY KATHERINE HUFFMAN

**To the Clerk of Courts:
Please serve the attorney for each party and each party not represented by counsel with Notice of Judgment and its date of entry upon the journal.**

JUDGE MARY KATHERINE HUFFMAN

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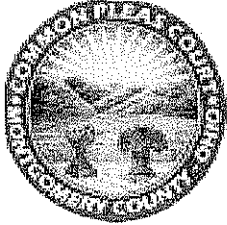
ROBIN A JARVIS
(513) 852-3497
Attorney for Defendant, Ohio Department Of Job And Family Services

Copies of this document were sent to all parties listed below by ordinary mail:

RUSSELL SMITH
3815 CHARLESTON ST
HOUSTON, TX 77021-1407
Plaintiff, Pro Se.

HILLTOP ADVISORS LLC
ATTN EUGENE DRODER III
FROST BROWN TODD LLC
301 E 4TH ST 3300 GREAT AMERICAN TOWER
CINCINNATI, OH 45202-4201
Defendant

Ryan Colvin, Bailiff (937) 496-7955 Colvinr@montcourt.org



General Division
Montgomery County Common Pleas Court
41 N. Perry Street, Dayton, Ohio 45422

Type: Decision
Case Number: 2014 CV 00053
Case Title: RUSSELL SMITH vs HILLTOP ADVISORS LLC

So Ordered

Mary H. Huffman