

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

SLATS & NAILS PALLETS, INC.,	:	
Plaintiff,	:	
vs.	:	Case No. 14CVF04-4144
OHIO DEPARTMENT OF JOBS & FAMILY SERVICES,	:	Judge Cain
Defendant.	:	

ENTRY DISMISSING PLAINTIFF'S NOTICE OF APPEAL WITH PREJUDICE

Rendered this ____ day of August 2014.

CAIN, J.

On July 21, 2014 the Court issued an order whereby it stated that it would dismiss Plaintiff's Notice of Appeal unless Plaintiff provided good reason as to why it did not file its brief by the June 24, 2014 deadline. In response, on July 28, 2014, Plaintiff filed a motion asking the Court for an extension of time until September 5, 2014 in which to file its brief. Plaintiff's motion, however, fails to demonstrate why Plaintiff did not file its brief by the original June 24, 2014 deadline. In fact, Plaintiff's motion provides no explanation at all. Since this is so, the Court will not grant Plaintiff an extension of time and will instead follow through on the threat issued in the Court's July 21, 2014 order. As such, Plaintiff's Notice of Appeal is hereby DISMISSED WITH PREJUDICE. Costs to Plaintiff. This is a final appealable order and there is no just cause for delay.

IT IS SO ORDERED.

Copies to:

Robert McNamara
Counsel for Plaintiff

Laurence R. Snyder
Counsel for Defendant

Franklin County Court of Common Pleas

Date: 08-05-2014

Case Title: SLATS & NAILS PALLETS INC -VS- OHIO DEPT JOBS &
FAMILY SERVICES DIRECTO

Case Number: 14CV004144

Type: DECISION/ENTRY

It Is So Ordered.



/s/ Judge David E. Cain

Court Disposition

Case Number: 14CV004144

Case Style: SLATS & NAILS PALLETS INC -VS- OHIO DEPT JOBS
& FAMILY SERVICES DIRECTO

Case Terminated: 08 - Dismissal with/without prejudice

Final Appealable Order: Yes

Motion Tie Off Information:

1. Motion CMS Document Id: 14CV0041442014-07-2899980000
Document Title: 07-28-2014-MOTION TO EXTEND TIME
Disposition: MOTION DENIED

IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO
CIVIL DIVISION

SLATS & NAILS PALLETS INC.,	□	CASE NUMBER 14CV05-4144
]]	
APPELLANT,	□	JUDGE CAIN
]]	
vs.	□	MAGISTRATE MCCARTHY
]]	
DIRECTOR,	□	
OHIO JOBS AND FAMILY SERVICES]]	
	□	
]]	
APPELLEE	□	

NOTICE TO APPELLANT

This administrative appeal comes before the Court in the absence of any filings on the part of appellant except for the Notice of Appeal and a Brief Appearance. Appellee filed the record on appeal on May 21, 2014.

Rule 59.01 of the Rules of Practice of the Franklin County Court of Common Pleas provides that an appellant must file its brief in support of its position within six weeks following the filing of the record. Appellant has failed to file its brief or request leave from the Court for additional time within which to file the brief.

Where an appellant fails to properly brief and argue her assignments of error in the manner required by the applicable rules, a dismissal of the appeal is proper. *Sisson v. Ohio Department of Human Services*, 2000 Ohio App. LEXIS 1691, (April 19, 2000) (stating “it is not the duty of this Court to create arguments for the parties and search the record for evidence to support them.”); *Hamilton v. Dolatowski*, 2000 Ohio App. LEXIS 837, (March 8, 2000), Medina App. No. 3006-M; *Smythe, Cramer Co. v. Breckenridge Real Estate Marketing Group Inc.*, 2000

Ohio App. LEXIS 403, (February 9, 2000), Medina App. No, 2870-M; *Fairlawn v. Figetakis*, 2000 Ohio App. LEXIS 156, (Jan. 26, 2000), Summit App. No. 19467; *Niederhauser v. Stiffey*, 2000 Ohio App. LEXIS 179, (Jan. 26, 2000), Lorain App. No. 99CA007325.

In accordance with Civ. R. 41, the Court hereby gives notice that this action will be dismissed no sooner than July 31, 2014 unless appellant is able to demonstrate good and sufficient cause why it has not followed the requirements of Rule 59.01 of the Rules of Practice of the Franklin County Court of Common Pleas and further demonstrate good cause why this case should not be dismissed for its failure to prosecute.

David E. Cain, Judge

Copies to:

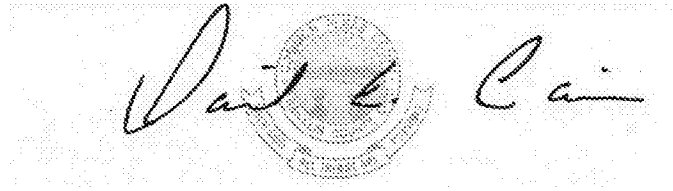
Robert F. McNamara, Esq.
Counsel for Appellant

Laurence E. Snyder, Esq.,
Counsel for Appellee

Franklin County Court of Common Pleas

Date: 07-21-2014
Case Title: SLATS & NAILS PALLETS INC -VS- OHIO DEPT JOBS &
FAMILY SERVICES DIRECTO
Case Number: 14CV004144
Type: ORDER

It Is So Ordered.

A handwritten signature in cursive script, reading "David E. Cain", is written over a circular official seal. The seal is partially obscured by the signature and contains some illegible text and a central emblem.

/s/ Judge David E. Cain