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MARGIE MURPHY MILLER  
CLERK OF COURTS  
ALLEN COUNTY, OHIO

IN THE COURT OF COMMON PLEAS OF ALLEN COUNTY, OHIO

**GREG A. BUNN,**

Appellant

-v-

**ODJFS, et al.,**

Appellee[s]

\* CASE NO.: CV 2014 0493

\*

\* **JUDGMENT ENTRY**

\* R.C. 4141.282

\*

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This matter comes on for consideration of the motion to dismiss filed by the Director of ODJFS on August 18, 2014. The plaintiff/appellant never responded. The Court finds the motion to dismiss well taken under the authority of R.C. 4141.282(D) which provides: "[...] [t]he appellant must name all interested parties as appellees in the notice of appeal [...]" and also *Zier v. Bur. of Unemployment Comp.*, 151 Ohio St. 123, 84 N.E.2d 746 (1949) and *In re Claim of King*, 62 Ohio St.2d 87, 88, 403 N.E.2d 200 (1980).

*In Luton v. State of Ohio Unemp. Comp. Rev. Comm.*, 8th Dist. No. 97966, 2012-Ohio-3963, ¶ 15, the Eighth Appellate District held that an appellant's failure to name his former employer in the notice of appeal did not satisfy R.C. 4141.282(D)'s requirement that "all interested parties"

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shall be named "as appellees" in the notice of appeal, thereby depriving the trial court of subject-matter jurisdiction over his appeal. Id. at ¶ 12.

The statute at issue unequivocally states that appellant must name all interested parties as appellees in the notice of appeal. Filing an incorrect notice of appeal does not vest jurisdiction in the court of common pleas. See R.C. 4141.282(C). Appellant has not complied with the mandatory requirements of R.C. 4141.282(D). *Sydenstricker v. Donato's Pizzeria, L.L.C.*, 11<sup>th</sup> Dist. No. 2009-L-149, 2010 -Ohio- 2953. This Court has never acquired subject-matter jurisdiction over this appeal, and it should be dismissed. *Mattice v. Ohio Dept. of Job & Family Servs.*, 2<sup>nd</sup> Dist. No. 25718, 2013 -Ohio- 3941.

Therefore, it is **ORDERED, ADJUDGED** and **DECREED** that the motion to dismiss is well taken and this case is dismissed, at appellant's costs. Judgment for costs.

September 2, 2014

  
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Jeffrey L. Reed, Judge

**The clerk of this court shall forward a file stamped copy of this judgement Entry by regular mail to each attorney of record and each party not represented by counsel. The fact of mailing shall be entered on the docket and charged as costs.**