

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

Laveda M. McCoy, :  
Appellant, :  
v. : Case No. 15CV 2699  
Ohio Unemployment Compensation :  
Review Commission, at al., : JUDGE LYNCH  
Appellees. :

**DECISION AND ENTRY GRANTING MOTION TO DISMISS  
OF APPELLEE DIRECTOR, OHIO DEPARTMENT OF JOB & FAMILY SERVICES,  
Filed April 10, 2015**

and

**DECISION AND ENTRY DENYING MOTION OF APPELLANT LAVEDA M. McCOY  
FOR LEAVE TO FILE AMENDED NOTICE OF APPEAL  
Filed May 12, 2015**

**LYNCH, J.**

This matter is before the Court upon the two motions delineated above. With regard to the motion of Appellee, Director, Ohio Department of Job and Family Services (“Appellee”) for an order dismissing the claims of Appellant Laveda M. McCoy (“Appellant”), filed on April 10, 2015, Appellant filed a memorandum contra on May 12, 2015. The Court observes that this response was filed fifteen days after the last date on which Appellant’s response was due (April 27, 2015.) Nonetheless, as Appellee has not objected, the Court has considered the memo contra. With regard to the motion of Appellant for leave to file an amended notice of appeal, filed on May 12, 2015, Appellee filed a memorandum in opposition on May 13, 2015. As noted previously, the Court has considered all memoranda submitted.

In the motion to dismiss filed by Appellee, it argues that Appellant's unemployment compensation appeal must be dismissed for lack of subject matter jurisdiction. Specifically, Appellee asserts that Appellant's failure to comply with the requirements of R.C. 4141.282 that she name all interested parties – to wit, Appellant's former employer The Kroger Company, Inc. – as appellees deprives this Court of jurisdiction over the appeal. Appellee additionally asserts in its memorandum in opposition to Appellant's motion for leave to file an amended notice of appeal that any amended notice of appeal must have been filed within the original thirty day appeal period set forth in R.C. 4141.282(D) and accordingly an amended notice of appeal that included Appellant's employer as an interested party would still be jurisdictionally defective.

Upon consideration of both motions, the Court finds itself in agreement with Appellee. Acknowledging the conflict among the districts arising from the decision rendered by the 9<sup>th</sup> District Court of Appeals in *Pryor v. Dir., Ohio Dept. of Job and Family Servs.*, 2015-Ohio-1255 and pointed out by Appellee, the Court finds that the great weight of authority holds that the failure to name all interested parties as appellees in the notice of appeal deprives the court of subject matter jurisdiction over the appeal. See, e.g., *Sydenstricker v. Domino's Pizzeria, LLC*, 2010-Ohio-2953 (11<sup>th</sup> Dist.). Furthermore, it is too late for this jurisdictional defect to be cured as it is well beyond the original thirty day appeal period which expired on April 3, 2015. See *Dikong v. Ohio Supports, Inc.*, 2013-Ohio-33 (1<sup>st</sup> Dist.). Thus, this Court lacks jurisdiction over this appeal.

Accordingly, the Court **GRANTS** the motion of Appellee Director, Ohio Department of Job and Family Services to dismiss; the Court **DENIES** the motion of Appellant for leave to file an amended notice of appeal; and the appeal of Appellant Laveda M. McCoy is hereby **DISMISSED** in its entirety, with prejudice.

**IT IS SO ORDERED.**

Copy via U.S. mail to:

Laveda M. McCoy  
763 Miller Avenue  
Columbus, OH 43205  
Appellant, *pro se*

The Kroger Company, Inc.  
1014 Vine St.  
Cincinnati, OH 45202-1141

The Kroger Company, Inc.  
4111 Executive Parkway  
Westerville, OH 43081-3869

Electronic copy to:

Laveda M. McCoy  
Appellant, *pro se*

Alan Schwepe, Esq.  
Senior Assistant Attorney General  
Counsel for Director, Ohio Dept. of Job and Family Services

Franklin County Court of Common Pleas

**Date:** 05-28-2015  
**Case Title:** LAVEDA M MCCOY -VS- OHIO STATE UNEMPLOYMENT  
COMPENSATION REV  
**Case Number:** 15CV002699  
**Type:** DECISION/ENTRY

It Is So Ordered.

  
The image shows a handwritten signature in black ink that reads "Julie M. Lynch". To the right of the signature is a circular blue ink stamp. The stamp contains the text "COMMON PLEAS COURT" at the top, "FRANKLIN COUNTY, OHIO" in the middle, and "ALL THINGS ARE POSSIBLE" at the bottom.

/s/ Judge Julie M. Lynch

Court Disposition

Case Number: 15CV002699

Case Style: LAVEDA M MCCOY -VS- OHIO STATE  
UNEMPLOYMENT COMPENSATION REV

Case Terminated: 10 - Magistrate

Final Appealable Order: Yes

Motion Tie Off Information:

1. Motion CMS Document Id: 15CV0026992015-04-1099980000  
Document Title: 04-10-2015-MOTION TO DISMISS  
Disposition: MOTION GRANTED
2. Motion CMS Document Id: 15CV0026992015-05-1299970000  
Document Title: 05-12-2015-MOTION FOR LEAVE TO FILE  
Disposition: MOTION DENIED