

IN THE FRANKLIN COUNTY COURT OF COMMON PLEAS

KEVIN B. GUNNELL

Plaintiff,

v.

OHIO BUREAU OF MOTOR VEHICLES

Defendants.

Trial Court No.: 16 CV 7740

Judge: Chris M. Brown

DECISION AND ENTRY
GRANTING APPELLEE’S MOTION TO DISMISS

This matter comes before the Court upon the September 27, 2016 Motion to Dismiss filed by Appellee, the Ohio Bureau of Motor Vehicles (“BMV”). Appellant filed a “Motion/Affidavit to Rebut the BMV Motion to Dismiss, Enforce Freeman Status as a Matter of Law” on September 28, 2016, which the Court will construe as a Memorandum Contra to the pending motion. The Court has had an opportunity to review the briefs and the Motion to Dismiss is deemed submitted to the Court pursuant to Local Rule 21.01.

The Court finds there is no final adjudicative order from the Ohio Bureau of Motor Vehicles issuing a suspension of Appellee’s operator’s license, which is the subject of this appeal. As such, pursuant to Ohio Revised Code Section 119.12, this Court does not have jurisdiction to over Appellant’s claim. Therefore, the Motion to Dismiss is **GRANTED.**

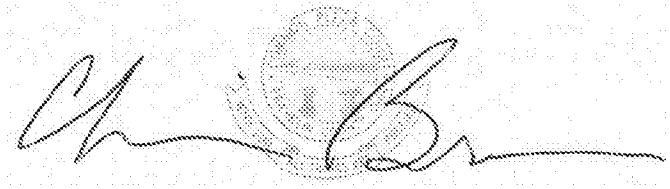
The Court remands this matter to the Ohio Bureau of Motor Vehicles for further adjudication.

JUDGE CHRIS M. BROWN

Franklin County Court of Common Pleas

Date: 11-14-2016
Case Title: KEVIN GUNNELL -VS- OHIO STATE BUREAU MOTOR
VEHICLES
Case Number: 16CV007740
Type: ENTRY

It Is So Ordered.

A handwritten signature in black ink, appearing to read 'Christopher M. Brown', is written over a circular, textured seal or stamp. The signature is fluid and cursive.

/s/s Judge Christopher M. Brown

Court Disposition

Case Number: 16CV007740

Case Style: KEVIN GUNNELL -VS- OHIO STATE BUREAU MOTOR VEHICLES

Case Terminated: 08 - Dismissal with/without prejudice

Motion Tie Off Information:

1. Motion CMS Document Id: 16CV0077402016-09-2799980000

Document Title: 09-27-2016-MOTION TO DISMISS -
DEFENDANT: OHIO STATE BUREAU MOTOR VEHICLES

Disposition: MOTION GRANTED

2. Motion CMS Document Id: 16CV0077402016-09-2699980000

Document Title: 09-26-2016-MOTION - PLAINTIFF: KEVIN
GUNNELL - AFF REQ FOR SPEC PERF FROM HOLD HARMLESS

Disposition: MOTION RELEASED TO CLEAR DOCKET