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**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

RONALD GARR
Plaintiff

Case No: CV-16-872565

Judge: JOHN J RUSSO

OHIO BOARD OF EMBALMERS & FUNERAL
DIRECTORS
Defendant

JOURNAL ENTRY

96 DISP.OTHER - FINAL

APPELLEE OHIO BOARD OF EMBALMERS AND FUNERAL DIRECTORS' MOTION TO DISMISS, FILED 01/05/2017, IS UNOPPOSED AND GRANTED FOR GOOD CAUSE. FOLLOWING REVIEW OF APPELLEE'S MOTION, THE COURT FINDS IT IS WITHOUT JURISDICTION TO CONSIDER APPELLANT GARR'S ADMINISTRATIVE APPEAL AS A RESULT OF APPELLANT GARR'S FAILURE TO COMPLY WITH THE APPEAL PROCEDURE REQUIRED BY R.C. 119.12(D).

THE COURT FINDS THAT APPELLANT GARR FAILED TO COMPLY WITH R.C. 119.12'S STATUTORY REQUIREMENTS AS FOLLOWS: (1) APPELLANT GARR FAILED TO TIMELY FILE HIS NOTICE OF APPEAL WITHIN FIFTEEN DAYS OF THE MAILING OF THE FINAL ADJUDICATION ORDER ON 10/03/2016; (2) APPELLANT GARR FAILED TO FILE A COPY OF THE NOTICE OF APPEAL WITH THE BOARD AS REQUIRED IN ADDITION TO THE COURT; (3) APPELLANT GARR FAILED TO STATE THE REQUIRED LANGUAGE OF R.C. 119.12(D) IN STATING THAT THE BOARD'S ORDER WAS "NOT SUPPORTED BY RELIABLE, PROBATIVE, AND SUBSTANTIAL EVIDENCE AND IS NOT IN ACCORDANCE WITH LAW;" AND (4) APPELLANT GARR FAILED TO SET FORTH THE ORDER APPEALED FROM AS REQUIRED. AS A RESULT OF APPELLANT GARR'S FAILURE TO STRICTLY COMPLY WITH R.C. 119.12(D)'S STATUTORY REQUIREMENTS, THE COURT FINDS THAT IT IS WITHOUT SUBJECT MATTER JURISDICTION OVER APPELLANT GARR'S APPEAL. SEE ZIER V. BUREAU OF UNEMPLOYMENT COMP., 151 OHIO ST. 123, 127, 84 N.E.2D 746 (1949). IN ACCORDANCE, APPELLANT'S APPEAL IS HEREBY DISMISSED. FINAL.
COURT COST ASSESSED TO THE PLAINTIFF(S).

PURSUANT TO CIV.R. 58(B), THE CLERK OF COURTS IS DIRECTED TO SERVE THIS JUDGMENT IN A MANNER PRESCRIBED BY CIV.R. 5(B). THE CLERK MUST INDICATE ON THE DOCKET THE NAMES AND ADDRESSES OF ALL PARTIES, THE METHOD OF SERVICE, AND THE COSTS ASSOCIATED WITH THIS SERVICE.

Judge Signature

02/16/2017

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02/15/2017

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