

IN THE COURT OF COMMON PLEAS,  
FAIRFIELD COUNTY, OHIO

FILED

2017 JUN 27 PM 12:03

DIANE Y. CHATTMAN,

Plaintiff,

v.

OHIO BUREAU OF MOTOR  
VEHICLES

Defendant.

Case No. 17CV188

JUDGE DAVID A. TRIMMER

ENTRY OF DISMISSAL

This matter is before the Court upon the Court's own Motion. On May 22, 2017, the Court filed an Entry granting Appellee Ohio Bureau of Motor Vehicles' Motion to Dismiss. However, in said Entry, the Court provided Appellant, Diane Chattman, leave to file an amended notice of appeal within 14 days of the filing of the May 22, 2017 Entry. The Court informed all parties that "[i]f an amended notice, complaint with R.C. § 119.12(D), is not filed within 14 days of the filing of this Entry, this case will automatically be **DISMISSED**." (See Entry Granting Motion to Dismiss, filed May 22, 2017). Because more than 14 days has passed since the Court's May 22, 2017 Entry, and the Court has not received an amended notice, compliant with R.C. § 119.12(D), this case is hereby **DISMISSED**.

It is so **ORDERED**.

  
\_\_\_\_\_  
DAVID A. TRIMMER, JUDGE

Copies to:  
Diane Chattman  
7054 Brooke Blvd.  
Reynoldsburg, OH 43068

✓ Trista Turley  
30 E. Broad St., 26<sup>th</sup> Floor  
Columbus, OH 43215

IN THE COMMON PLEAS COURT OF FAIRFIELD COUNTY  
FAIRFIELD COUNTY, OHIO

2017 MAY 22 AM 11:16  
SHARON C. METZ  
CLERK OF COURTS  
FAIRFIELD CO. OHIO  
FILED

DIANE CHATTMAN,	:	
	:	
Appellant,	:	Case No. 17CV188
	:	
v.	:	JUDGE TRIMMER
	:	
OHIO BUREAU OF MOTOR VEHICLES :	:	ENTRY GRANTING MOTION TO
Appellee.	:	DISMISS

This matter is before the Court on Appellee Ohio Bureau of Motor Vehicles' Motion to Dismiss, filed April 10, 2017. A non-oral hearing was scheduled for April 18, 2017. Appellant did not file a response, but did participate in a phone conference with Court and Appellee, wherein she made her intent to pursue this case clear.

This appeal involves a dispute over the license suspension of Appellant Diane Chattman ("Chattman"). Appellee asks the Court to dismiss Chattman's appeal on jurisdictional grounds. Specifically, Appellee argues that Chattman's notice of appeal is deficient pursuant to R.C. 119.12.


Ohio Revised Code § 119.12 states, in pertinent part: "Any party desiring to appeal *shall* file a notice of appeal with the agency setting forth the order appealed from and *stating that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law.*" R.C. § 119.12(D) (emphasis added). This Court, as well as other sister courts, have held that an appellant's failure to include this mandatory statutory language divests the court of jurisdiction to consider the appeal. See *North v. Ohio Department of Public Safety*, Case No. 16CV356 (Sept.

22, 2016). *Foreman v. Lucas Cty. Court of Common Pleas*, 189 Ohio App. 3d 678, 2010-Ohio-4731, 939 N.E.2d 1302, ¶ 15.

Appellant's notice of appeal states in full: "I, Diane Chattman, would like to request a hearing to defend myself against the suspension of my licenses." (See Notice of Appeal). It did not contain a statement that the Ohio Bureau of Motor Vehicles' decision to suspend her license was "not supported by reliable, probative, and substantial evidence and is not in accordance with law." R.C. § 119.12(D).

Appellant therefore failed to comply with the mandatory requirements of R.C. § 119.12(D). This failure, combined with the strict-compliance precedence cited above, compels the Court to **GRANT** Appellee's motion. However, before ultimately dismissing this case, the Court will provide Appellant leave to file an amended notice of appeal within 14 days of the filing of this Entry. If an amended notice, compliant with R.C. § 119.12(D), is not filed within 14 days of the filing of this Entry, this case will automatically be **DISMISSED**.

IT IS SO ORDERED.

  
\_\_\_\_\_  
Judge David A. Trimmer

*Copies to:*

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