

FILED
COURT OF COMMON PLEAS
TUSCARAWAS COUNTY, OHIO

2017 AUG 22 PM 3: 16

IN THE COURT OF COMMON PLEAS
TUSCARAWAS COUNTY, OHIO
DEANNE M. STEPHEN
CLERK OF COURTS

GENERAL TRIAL DIVISION

JOHN J. PAGE,	:	CASE NO. 2017 AA 07 0497
	:	
APPELLANT	:	JUDGE
	:	EDWARD EMMETT O'FARRELL
	:	
	:	<u>JUDGMENT ENTRY-ORAL HEARING</u>
	:	<u>CONDUCTED ON 8/21/2017 CONSISTENT</u>
	:	<u>WITH ORDERS CONTAINED IN 8/11/2017</u>
	:	<u>JUDGMENT ENTRY-8/10/2017 MOTION</u>
vs	:	<u>OF APPELLEE OHIO DEPARTMENT OF</u>
	:	<u>PUBLIC SAFETY, OFFICE OF LEGAL</u>
	:	<u>SERVICES TO DISMISS [APPEAL OF</u>
	:	<u>ADMINISTRATIVE DECISION OF THE</u>
	:	<u>OHIO BUREAU OF MOTOR VEHICLES]</u>
	:	<u>[ISSUED 6/21/2017] SUSTAINED/</u>
	:	<u>GRANTED-7/17/2017 APPEAL OF</u>
	:	<u>ADMINISTRATIVE DECISION OF THE</u>
OHIO DEPARTMENT OF PUBLIC	:	<u>OHIO BUREAU OF MOTOR VEHICLES</u>
SAFETY, OFFICE OF LEGAL	:	<u>DISMISSED WITH PREJUDICE TO</u>
SERVICES,	:	<u>REFILING FOR LACK OF SUBJECT</u>
	:	<u>MATTER JURISDICTION-ORDERS</u>
RESPONDENT (<i>SIC</i>)	:	<u>ENTERED</u>
(APPELLEE)	:	

This matter was further considered by Edward Emmett O'Farrell, Judge, Court of Common Pleas, Tuscarawas County, Ohio, General Trial Division, on 8/21/2017 on the Court's regular **Oral** hearing motion docket relative to the following:

- ◆ 7/17/2017 Appeal of Administrative Decision of the Ohio Bureau of Motor Vehicles filed by John J. Page against Ohio Department of Public Safety, Office of Legal Services, Appellee

John J. Page, the Appellant in this case, was present in the Courtroom and represented by **Brad L. Hillyer**, Attorney at Law, Uhrichsville, Ohio. Appellee, Ohio Department of Public Safety, Ohio of Legal Services, was represented by **Joseph S. Hess**, Assistant Ohio Attorney General in the Office of Ohio Attorney General Mike DeWine, Columbus, Ohio.

The Court

FINDS that the 8/10/2017 **Motion** of Appellee Ohio Department of Public Safety, Office of Legal Services to **Dismiss** the 7/17/2017 Appeal of John J. Page for lack of subject matter jurisdiction is meritorious, appropriate, and should be **Granted** for the reasons that the Appellant failed to comply with **R.C. 119.12** insofar as he did not file a Notice of Appeal with **both** the Department of Public Safety and this Court within the required fifteen (15) days of the mailing of the final order of [driver license] suspension. Appellant did not file a Notice of Appeal with the Appellee or the Ohio Bureau of Motor Vehicles **at all** and did not comply with the deadline for filing his Notice of Appeal with this Court (fifteen (15) days) from the date of the mailing of the license suspension order.

It is therefore

ORDERED that the 8/10/2017 **Motion** of Appellee is **Granted**. The Appeal filed by John J. Page on 7/17/2017 is **dismissed with prejudice to refile** for the reasons indicated above.

ORDERED that the Clerk of Courts shall close this case file and remove it from the pending case docket. All Court costs are assessed against Appellant for payment.

Edward Emmett O'Farrell

Edward Emmett O'Farrell, Judge

Date: 8/28/2017

copies: Court Administrator's Office
Atty Brad L. Hillyer
Asst. Atty. General Joseph S. Hess

EEO'F/csd

ATTORNEY GENERAL'S OFFICE

AUG 28 2017

EXECUTIVE AGENCIES

