

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

COLELISA ESTRIGE, :
 :
 Appellant, : **CASE NO. 17 CV7215**
 :
 -vs- : **JUDGE KIMBERLY COCROFT**
 :
 DIRECTOR, OHIO DEPARTMENT OF :
 JOB AND FAMILY SERVICES, et al., :
 :
 Appellees. :

DECISION AND ENTRY

COCROFT, J.,

This case is an administrative appeal filed by Pro Se Appellant, Colelisa Estrige, presumably from a July 12, 2017 Decision Disallowing Request for Review issued by Appellee. On November 3, 2017, Appellee, Director, Ohio Department of Job and Family Services, filed a motion to dismiss the appeal herein for Appellant's failure to prosecute.

Appellant did not file a memorandum in opposition in response to Appellee's motion to dismiss, but did file a document on November 9, 2017. Appellant's November 9, 2017 handwritten filing provides as follows, in pertinent part:

I Appellant Colelisa Estrige request that the Court NOT dismiss this case of unemployment compensation appeal

I worked for Aureus Medical from 12/19/2016 until 02/03/2017
I did not quit employment with Aureus.

November 9, 2017.

The record shows that Appellant did not, at any time, file a motion for leave of Court to file a brief. On November 17, 2017, Appellee filed a Memorandum In Response to

Appellant's November 9, 2017 filing.

Ohio case law continues to hold that *pro se* civil litigants are bound by the same rules and procedures as those litigants who retain counsel. *Copeland v. Rosario*, 1998 Ohio App. LEXIS 260. They are not accorded greater rights and must accept the results of their mistakes and errors. *Kilroy v. B.H. Lakeshore*, 111 Ohio App. 3d 357, 363 (1996). *Pro se* litigants are presumed to have knowledge of the law and of correct legal procedure and are held to the same standard as all other litigants. *Meyers v. First Natl. Bank*, 3 Ohio App. 3d 209 (1981).

With respect to procedural rules, *pro se* litigants are held to the same standards as a practicing attorney. The *pro se* litigant is to be treated the same as one trained in the law as far as the requirement to follow procedural law and adhere to court rules. If the Court treats a *pro se* litigant differently, the Court begins to depart from its duty of impartiality and prejudices the handling of the case as it relates to other litigants represented by counsel. See *Justice v. Lutheran Social Servs.* 1993 Ohio App. LEXIS 2029.

Upon review, the Clerk's Original Briefing Schedule, filed August 11, 2017, states that Appellant's Brief is due on or before October 20, 2017. The record demonstrates that Appellant did not file a brief or e-file a request for an extension to file her brief, pursuant to the Clerk's Original Briefing Schedule. Moreover, Appellant did not e-file a motion for request for leave. Thus, having failed to file a brief, Appellant has not complied with the Clerk's Original Briefing Schedule and failed to prosecute her appeal.

Additionally, Appellant's "Complaint" filed on August 11, 2017, does not comply with R.C. 119.12(D).

Based on the foregoing, Appellee's November 3, 2017 motion to dismiss is **GRANTED**, and the appeal herein is hereby **DISMISSED**.

It is so Ordered.

Rule 58(B) of the Ohio Rules of Civil Procedure provides the following:

(B) Notice of filing. When the court signs a judgment, the court shall endorse thereon a direction to the clerk to serve upon all parties not in default for failure to appear notice of the judgment and its date of entry upon the journal. Within three days of entering the judgment on the journal, the clerk shall serve the parties in a manner prescribed by Civ. R. 5(B) and note the service in the appearance docket. Upon serving the notice and notation of the service in the appearance docket, the service is complete. The failure of the clerk to serve notice does not affect the validity of the judgment or the running of the time for appeal except as provided in App. R. 4(A).

THE COURT FINDS THAT THERE IS NO JUST REASON FOR DELAY. THIS

IS A FINAL APPEALABLE ORDER. Pursuant to Civil Rule 58, the Clerk of Court shall serve notice upon all parties of this judgment and its date of entry.

Copies to all parties registered for e-filing

Franklin County Court of Common Pleas

Date: 11-28-2017

Case Title: COLELISA ESTRIDGE -VS- OHIO STATE UNEMPLOYMENT
COMPENSATION REV ET AL

Case Number: 17CV007215

Type: ENTRY

It Is So Ordered.

A handwritten signature in black ink is written over a blue circular seal. The seal contains the text "FRANKLIN COUNTY OHIO" and "ALL THINGS ARE POSSIBLE".

/s/ Judge Kimberly Cocroft

Court Disposition

Case Number: 17CV007215

Case Style: COLELISA ESTRIDGE -VS- OHIO STATE
UNEMPLOYMENT COMPENSATION REV ET AL

Case Terminated: 08 - Dismissal with/without prejudice

Final Appealable Order: Yes

Motion Tie Off Information:

1. Motion CMS Document Id: 17CV0072152017-11-0399980000

Document Title: 11-03-2017-MOTION TO DISMISS -
DEFENDANT: OHIO STATE UNEMPLOYMENT COMPENSATION
REV

Disposition: MOTION GRANTED