



D110520140

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

ENTERED
MAY 07 2015

CARLA JOHNSON,

Appellant,

v.

WALK OF JOY, LLC,

Appellee.

Case No.: A 1405872

Judge Nadine Allen

ENTRY GRANTING APPELLEE
ODJFS' MOTION TO DISMISS

This matter came before the Court on Appellee, Ohio Department of Job and Family Services' (hereinafter, ODJFS"), motion to dismiss for lack of subject matter jurisdiction. After reviewing the motion, considering arguments made during oral argument, and being advised of the facts and the law Appellee ODJFS's motion is GRANTED.

This cause of action arose out of a statutory unemployment compensation appeal filed by Appellant, Carla Johnson. Appellant filed a defective notice of appeal with this Court after the Review Commission held that the Appellant's was discharged with just cause. Pursuant to R.C. 4141.282, Appellant was required to name Appellee ODJFS as a statutory party-appellee, however, Appellant failed to do so. Additionally, Appellant has no right to amend her notice of appeal as the 30-day statutory appeal period to file a legally valid notice of appeal has already expired. Therefore, because Appellant has failed to comply with the requirements of R.C. 4141.282, this Court must grant Appellee's motion to dismiss.

IT IS SO ORDERED.

ENTER

Judge Nadine L. Allen
MAY 07 2015
Hamilton County Court of Common Pleas

NADINE L. ALLEN, JUDGE

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

CARLA JOHNSON,	:	Case No. A1405872
Appellant,	:	Judge Allen
v.	:	
WALK OF JOY LLC, et al.,	:	<u>MAGISTRATE'S ORDER</u>
	:	<u>DENYING LEAVE TO</u>
Appellees.	:	<u>FILE AMENDED APPEAL</u>

ENTERED THIS 19TH DAY OF FEBRUARY, 2015.

Before the court is Appellant's Motion for Leave to File Amended Appeal filed February 18, 2015. This case was filed October 6, 2014. However, the appeal failed to include parties required by statute, namely Ohio Department of Jobs and Family Services. Failure to timely name a statutory party divests the Common Pleas Court of subject matter jurisdiction. Appellant's amended appeal was not filed within the statutory appeal time limits which expired on October 10, 2014 and the court lacks jurisdiction to consider this appeal. Therefore, Appellant's Amended Appeal filed February 18, 2015 is STRICKEN and Motion for Leave to File Amended Appeal is DENIED as moot.

IT IS SO ORDERED.



Michael L. Bachman

MICHAEL L. BACHMAN
MAGISTRATE,
COURT OF COMMON PLEAS

NOTICE

Copies of this Order have been mailed to the parties or their counsel. This Order is effective immediately. Either party may appeal this Order by filing a Motion to Set the Order Aside within ten days of the date this Order is filed. The pendency of a Motion to Set the Order Aside does not stay the effectiveness of this Order unless the Magistrate or Judge grants a stay.

Copies sent by Clerk of Courts to:

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT COPIES OF THE FOREGOING ORDER HAVE BEEN SENT BY ORDINARY MAIL TO ALL PARTIES OR THEIR ATTORNEYS AS PROVIDED ABOVE.

Date: 2-20 Deputy Clerk: 