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

LEROY RICHARDS
Plaintiff

DEPARTMENT OF COMMERCE, ETC.
Defendant

Case No: CV-14-836194

Judge: MICHAEL ASTRAB

JOURNAL ENTRY

OHIO DEPARTMENT OF COMMERCE'S MOTION FOR JUDGMENT ON THE PLEADINGS, FILED 04/30/2015, IS GRANTED.

THE COURT HAS REVIEWED THE MOTION OF THE DEFENDANT AND NOTES THAT NO RESPONSIVE FILING HAS BEEN MADE BY THE PLAINTIFF AND THAT THE TIME FOR SUCH FILING HAS NOW PASSED.

THE COURT, FOLLOWING SAID REVIEW, FINDS THE ARGUMENTS OF THE DEFENDANT TO BE WELL-TAKEN. THE OHIO REVISED CODE PROVIDES CLEAR ADMINISTRATIVE AVENUES FOR RELIEF IN SITUATIONS SUCH AS THE INSTANT MATTER. THE PLAINTIFF DID NOT FOLLOW THOSE ADMINISTRATIVE AVENUES AND CANNOT IN ESSENCE FORUM SHOP FOR ALTERNATIVE OPTIONS. WHEN A STATUTE CONFERS THE RIGHT TO APPEAL AN ADMINISTRATIVE DECISION THE APPEAL CAN ONLY BE PERFECTED ONLY IN THE MODE PRESCRIBED BY THAT STATUTE. (ZIER V. BUREAU OF UNEMPLOYMENT COMPENSATION, 151 OHIO ST. 123 (1949)). FURTHER, R.C.119.12 PROVIDES A STRICT FRAMEWORK FOR FILING REQUIREMENTS NECESSARY TO PERFECT AN ADMINISTRATIVE APPEAL AND TO THEREBY INVOKE THE JURISDICTION OF THE COMMON PLEAS COURT. THERE IS NO EVIDENCE THAT THE PLAINTIFF ADHERED TO THESE GUIDELINES AND, AS SUCH, THIS COURT IS WITHOUT JURISDICTION TO HEAR THIS MATTER.

THE COURT NOTES THAT THE PLAINTIFF HAS ELECTED TO PROCEED IN THIS MATTER IN A PRO SE FASHION. IT IS THE POSITION AND POLICY OF THIS COURT, IN ACCORDANCE WITH ESTABLISHED LAW, THAT PRO SE LITIGANTS ARE BOUND BY THE SAME RULES AND PROCEDURES AS THOSE LITIGANTS WHO RETAIN COUNSEL AND ARE NOT TO BE ACCORDED GREATER RIGHTS AND ARE RESPONSIBLE FOR ACCEPTING THE RESULTS OF THEIR OWN MISTAKES AND ERRORS. SEE, MEYERS V. FIRST NAT'L BANK OF CINCINNATI (1981), 3 OHIO APP.3D 209; TISDALE V. JAVITCH, BLOCK & RATHBONE, 2003 WL 22971032 (OHIO APP.8TH DIST.).
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

05/12/2015

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