

**IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
GENERAL DIVISION**

Martin Elmore,		Case No. 17CV-03561
Appellant,		Judge Jeffrey M. Brown
vs.		
Registrar, Ohio Bureau of Motor Vehicles,		
Appellee.		

Decision and Judgment Entry Dismissing Appeal as Moot

Notice of Final Appealable Order

Brown, J.

This case is a Revised Code 119.12 administrative appeal, filed by Martin Elmore (Appellant) on April 18, 2017, from a “Final Order of Suspension” issued by the Ohio Bureau of Motor Vehicles (BMV) on April 5, 2017. In that Order, the BMV suspended Appellant’s driver’s license as a result of Appellant’s failure to provide proof of financial responsibility coverage during a traffic stop on October 27, 2016.

After Appellant’s driver’s license was suspended, the BMV verified, with Appellant’s insurer, that Appellant had valid insurance coverage on October 27, 2016. On April 21, 2017, therefore, the BMV deleted the non-compliance suspension from Appellant’s driver’s license.

By letter dated May 9, 2017, the BMV’s counsel provided Appellant with a copy of his official driving record showing that the suspension was deleted, and requested that Appellant dismiss this appeal. Appellant has not, however, dismissed the appeal.

On July 27, 2017, the BMV filed a “suggestion of mootness” in this appeal, and requested that the Court dismiss the appeal as moot. Appellant has not opposed the BMV’s request.

“It is not the duty of the court to answer moot questions, and when, pending proceedings in error in this court, an event occurs without the fault of either party, which renders it impossible for the court to grant any relief, it will dismiss the petition in error.” *Miner v. Witt*, 82 Ohio St. 237, syllabus (1910). The Supreme Court of Ohio elaborated upon the mootness doctrine:

*** The duty of this court, as of every other judicial tribunal, is to decide actual controversies by a judgment which can be carried into effect, and not to give opinions upon moot questions or abstract propositions, or to declare principles or rules of law which cannot affect the matter in issue in the case before it. It necessarily follows that when, pending an appeal from the judgment of a lower court, and without any fault of the defendant, an event occurs which renders it impossible for this court, if it should decide the case in favor of the plaintiff, to grant him any effectual relief whatever, the court will not proceed to a formal judgment, but will dismiss the appeal. *** 82 Ohio St. at 238-239.

It is well established “[t]hat an appellate court need not consider an issue, and will dismiss the appeal, when the court becomes aware of an event that has rendered the issue moot[.]” *Cincinnati Gas & Elec. Co. v. Pub. Util. Comm.*, 103 Ohio St. 3d 398, 2004-Ohio-5466, ¶ 15, citing *Miner v. Witt*, 82 Ohio St. 237, 238 (1910).

Inasmuch as the BMV has deleted Appellant’s driver’s license suspension, there is no controversy between the parties. Accordingly, this appeal is hereby **DISMISSED** for mootness.

This is a final, appealable Order. Costs to Appellant. Pursuant to Civ. R. 58, the Franklin County Clerk of Courts shall serve notice of this judgment and its date of entry upon all parties.

Copies electronically transmitted to all parties and counsel of record.

Franklin County Court of Common Pleas

Date: 08-14-2017
Case Title: MARTIN ELMORE -VS- OHIO STATE BUREAU MOTOR VEHICLES
Case Number: 17CV003561
Type: DECISION/ENTRY

It Is So Ordered.

A handwritten signature in black ink, appearing to read "Jeffrey M. Brown", is written over a circular, textured seal or stamp.

/s/ Judge Jeffrey M. Brown

Court Disposition

Case Number: 17CV003561

Case Style: MARTIN ELMORE -VS- OHIO STATE BUREAU MOTOR
VEHICLES

Case Terminated: 18 - Other Terminations

Final Appealable Order: Yes

Motion Tie Off Information:

1. Motion CMS Document Id: 17CV0035612017-07-2799970000

Document Title: 07-27-2017-MOTION - DEFENDANT: OHIO
STATE BUREAU MOTOR VEHICLES - SUGGESTION OF
MOOTNESS

Disposition: MOTION GRANTED