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SUMMIT COUNTY  
COURT OF COMMON PLEAS

IN THE COURT OF COMMON PLEAS

COUNTY OF SUMMIT

KAREN PERRY )

Plaintiff-Appellant )

-vs- )

AKRON METROPOLITAN HOUSING )  
AUTHORITY )

Defendant-Appellee )

CASE NO. CV 05 01 0290

JUDGE SHAPIRO

ORDER

Under O.R.C. 2506.01, "every final order, adjudication, or decision of any officer, tribunal, authority...or other division of any political subdivision of the state may be reviewed by the court of common pleas of the county in which the principal office of the political subdivision is located." In addition, "the appeal provided for under O.R.C. 2506.01 is in addition to any other remedy of appeal provided by law."

The Decision of the Hearing Officer was a final decision as contemplated by O.R.C. 2506.01 as there is no higher board to appeal to within the Akron Metropolitan Housing Authority (hereinafter, "AMHA") scheme. The fact that AMHA filed an action for forcible entry and detainer, which provided Ms. Perry the opportunity for a trial de novo, does not abdicate Ms. Perry's right to an administrative appeal. The language of O.R.C. 2506.01 allows for an administrative appeal in addition to any other remedy.

O.R.C. 2506.02 provides that "[w]ithin 40 days after filing a notice of appeal, the officer or body from which the appeal is taken, upon the filing of a praecipe, shall prepare and file in the court to which the appeal is taken a complete transcript of all the original papers, testimony, and evidence offered, heard, and taken into consideration in issuing the final order, adjudication, or decision appealed from."

On January 14, 2005, Karen Perry filed a Notice of Appeal and Praecipe, requesting Akron Metropolitan Housing Authority to prepare the above-mentioned documents. The record of proceedings has not yet been filed. The record shall be filed within 30 days of this Order.

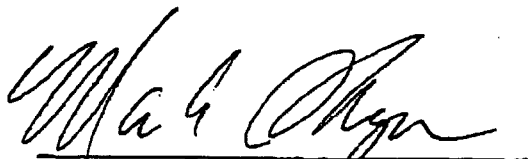
In accordance with Local Rule 19.03, Appellant shall file its assignment of error within thirty (30) days after the filing of the Record of Proceedings with the Clerk.

Appellee shall file its brief and assignments of error, if any, within thirty (30) days after the filing of the appellant's brief.

Appellant shall file its reply brief, if any, within ten (10) days after the filing of Appellee's brief.

**FAILURE TO COMPLY WITH THIS BRIEFING SCHEDULE MAY RESULT IN DISMISSAL OF THE APPEAL OR ENTRY OF JUDGMENT WITHOUT FURTHER HEARING.**

It is so ordered.

  
JUDGE MARVIN A. SHAPIRO

cc: Attorney James D. Casey  
Attorney Joann Sahl

tb/ctm  
05-0290-a