

# The Supreme Court of Ohio

FILED

APR 13 2021

CLERK OF COURT  
SUPREME COURT OF OHIO

State of Ohio

Case No. 2021-0083

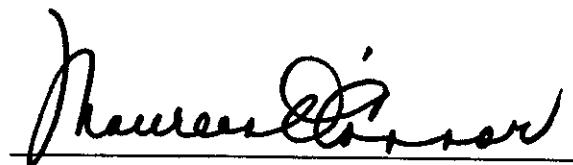
v.

ENTR Y

Michael A. Payne

Upon consideration of the jurisdictional memoranda filed in this case, the court declines to accept jurisdiction of the appeal pursuant to S.Ct.Prac.R. 7.08(B)(4).

(Summit County Court of Appeals; No. 29714)



Maureen O'Connor  
Chief Justice

Appx. A-1

STATE OF OHIO )  
COUNTY OF SUMMIT )  
ss. )

IN THE COURT OF APPEALS  
NINTH JUDICIAL DISTRICT

STATE OF OHIO

C.A. No. 29714

**Appellee**

V

MICHAEL A. PAYNE

**Appellant**

## JOURNAL ENTRY

Appellant, Michael A. Payne, has moved this Court to reconsider a magistrate's order dated October 7, 2020, that denied his motion for leave to file an untimely reply brief. This Court construes his motion as a motion to set aside a magistrate's order under Civ.R. 53(D)(2).

Civ.R. 53(D)(2)(b) provides that a motion to set aside a magistrate's order "shall be filed not later than ten days after the magistrate's order is filed." The magistrate's order that denied Mr. Payne's motion to file an untimely reply brief was filed on October 7, 2020. Because October 17, 2020, was a Saturday, Mr. Payne was required to file his motion to set aside the magistrate's order by Monday, October 19, 2020. Mr. Payne's motion, which was filed on October 21, 2020, is therefore untimely.

The motion to set aside the magistrate's order is denied.

Lynne S. Callahan  
Judge

Appx. B2

(431)

IN THE COURT OF APPEALS  
NINTH JUDICIAL DISTRICT

STATE OF OHIO

C.A. No. 29714

**Appellee**

Y

MICHAEL A. PAYNE

**Appellant**

## MAGISTRATE'S ORDER

The appellant has moved for leave to file a reply brief. This matter was submitted for decision on September 29, 2020. The motion is denied.

Michael Wall

C. Michael Walsh  
Magistrate

Appx. C-3

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