

Appendix
C

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

POAH COMMUNITIES, LLC,	:	APPEAL NO. C-240280
PLAINTIFF-APPELLEE,	:	TRIAL NO. 24CV05950
	:	
V.	:	
	:	<i>ENTRY OF DISMISSAL</i>
TEMPEST EPPS AND ALL OTHER	:	
OCCUPANTS,	:	
DEFENDANTS-APPELLEES	:	
	:	
(ALICIA EPPS - APPELLANT).	:	

Appellant filed a notice of appeal on May 14, 2024, seeking to appeal the trial court's writ of restitution of the premises, specifically 1921 Freeman Ave. #6, Cincinnati, Ohio 45214. Appellant moved for stay of the trial court's order in the trial court and then in this Court. The motion for stay was stricken in the trial court and is pending in this Court.

Appellee responded to the motion for stay and moved to dismiss the appeal as moot because the premises at issue had been vacated and restored to the appellee. The Court provided the appellant with the opportunity to respond and show cause why the appeal should not be dismissed as moot, including addressing whether she had vacated the premises.

Appellant filed her response to the show cause order on May 31, 2024, and appellee filed a reply in support of its motion to dismiss also on May 31, 2024.

This court lacks jurisdiction to consider the merits of a moot appeal. *In re Chambers*, 2019-Ohio-3596, 142 N.E.3d 1243, ¶ 9, 142 N.E.3d 1243 (1st Dist.), citing *City of Cleveland Hts. v. Lewis*, 129 Ohio St.3d 389, 2011-Ohio-2673, 953 N.E.2d 278, ¶ 17-18. In cases where the only issue on appeal is restitution of the premises, the appeal becomes moot when the premises are restored to the landlord/owner. See e.g. *Schwab v. Lattimore*, 166 Ohio App.3d 12, 2006-Ohio-1372, 848 N.E.2d 912 (1st Dist. 2006); *Hussain v. Sheppard*, 10th Dist. Franklin No. 14AP-686, 2015-Ohio-657; *Day v. Derry*, 11th Dist. Trumbull No. 2023-T-0033, 2024-Ohio-

OHIO FIRST DISTRICT COURT OF APPEALS

791. Appellant does not dispute that she has vacated the premises, nor has she offered any reasons that would support an exception to the mootness doctrine. The Court, therefore, must dismiss the appeal as moot. The appeal is dismissed. Further, all pending motions are denied as moot. Costs taxed in accordance with App.R. 24.

BOCK, P.J., and CROUSE, J.

To the clerk:

Enter upon the journal of the court on JUN 04 2024.

By: *Angela S. Bock* (Copies sent to all counsel)
Presiding Judge

The Supreme Court of Ohio

Poah Communities, LLC

Case No. 2024-0941

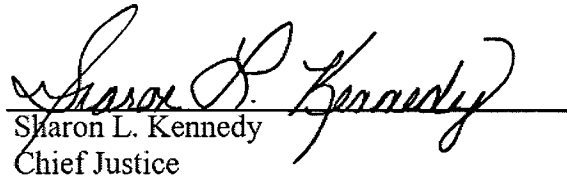
v.

ENTRY

Tempest Epps and all other Occupants(Alicia
Epps - Appellant)

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).

(Hamilton County Court of Appeals; No. C-240280)


Sharon L. Kennedy
Chief Justice

The Supreme Court of Ohio

OFFICE OF THE CLERK

65 SOUTH FRONT STREET, COLUMBUS, OH 43215-3431

CHIEF JUSTICE
SHARON L. KENNEDY

CLERK OF THE COURT
ROBERT VAUGHN

JUSTICES
PATRICK F. FISCHER
R. PATRICK DEWINE
MICHAEL P. DONNELLY
MELODY J. STEWART
JENNIFER BRUNNER
JOSEPH T. DETERS

TELEPHONE 614.387.9530

www.supremecourt.ohio.gov

September 27, 2024

Alicia A. Epps
1921 Freeman Avenue #6
Cincinnati, OH 45214

Re: Supreme Court of Ohio Case No. 2024-0941, *Poah Communities, LLC v. Tempest Epps and all other Occupants (Alicia Epps - Appellant)*

Dear Mw. Epps:

The enclosed motion for reconsideration and extension of time was not filed because it does not comply with the Rules of Practice of the Supreme Court of Ohio. Specifically:

- The motion for reconsideration is untimely pursuant to Rule 18.02(A).
- The motion for extension of time is prohibited. See Rule 3.02(B) and Rule 3.03(B)(1).

As the enclosed copy of the docket indicates, the court's decision in your case was issued on September 03, 2024. This made your motion for reconsideration due in the clerk's office no later than September 13, 2024. The motion for reconsideration not received, however, until September 26, 2024. The clerk's office is required to refuse to file motions for reconsideration that are not received on time by Rule 18.02(D).

Sincerely,
Clerk's Office

Enclosures

Appendix

B

CASE INFORMATION

GENERAL INFORMATION

Case: **GEN-2024-0941** Jurisdictional AppealFiled: **06/27/2024**

Case is disposed

Poah Communities, LLC

v.

Tempest Epps and all other Occupants

(Alicia Epps - Appellant)

PRIOR JURISDICTION

<u>Jurisdiction Information</u>	<u>Prior Decision Date</u>	<u>Case Number(s)</u>
Hamilton County, 1st District Court of Appeals	06/04/2024	C-240280

PARTIES and ATTORNEYS

Alicia A. Epps; Appellant, Appearing Pro Se

Poah Communities, LLC, Political Sub-Division for Hamilton County; Appellee

Represented by: Christopher Jones, Counsel of Record

DOCKET ITEMS

06/27/24 Notice of appeal of Alicia A. Epps
Filed by: Alicia A. Epps

06/27/24 Memorandum in support of jurisdiction
Filed by: Alicia A. Epps

06/27/24 And lower court decision
Filed by: Alicia A. Epps

06/27/24 Affidavit of indigence
Filed by: Alicia A. Epps

06/28/24 Electronic copy of notice of appeal sent to the clerk of the court of appeals

07/16/24 Waiver of memorandum in response
Filed by: Poah Communities, LLC, Political Sub-Division for Hamilton County

09/03/24 DECISION: Jurisdiction declined. See announcement at 2024-Ohio-3313.

09/17/24 Copy of entry sent to lower court clerk

***** End of case information *****