

FILED

MAR 31 2008

**CLERK OF COURT
SUPREME COURT OF OHIO**

IN THE SUPREME COURT OF OHIO

State of Ohio, Ex. Rel.

Titus L. Jones
2188 Leonard
Columbus, Ohio 43219
Relator

v.

Lucas County Child Support
Enforcement Agency
701 Adams Street
Toledo, Ohio 43624
Respondents.

Case No: 08-1370

MOTION TO DISMISS

Julia R. Bates
Lucas County Prosecuting Attorney
By: Maureen O. Atkins (0063379)
Assistant Prosecuting Attorney
Lucas County Courthouse
Toledo, Ohio 43624 (Counsel of Record)
(419) 213-2001
Fax: (419) 213-2011

And

By: Douglas G. Marciniak (0037781)
CSEA Attorney
701 Adams Street
Toledo, Ohio 43624
(419) 213-3180
Fax: (419) 213-3150

Now comes the Respondent, Lucas County Child Support Enforcement Agency (LCCSEA), by and through counsel and move the Court to dismiss the Complaint for an Original Writ of Mandamus for the following reasons:

1). The Lucas County Child Support Enforcement Agency sent the records of the LCCSEA to Franklin County on October 9, 2006 pursuant to an Order of Court filed April 25, 1995 in DR1992-1031.

2). The Lucas County Child Support Enforcement Agency had provided the relator a copy of the payment history that was imaged as part of the On Base System. This is the payment history prior to the creation of the Support Enforcement Tracking System in Ohio.

3). The Lucas County Child Support Enforcement Agency Consumer Response Unit had provided the relator with copies of court orders, dockets and judgment entries that were provided by the Lucas County Clerk of Court, Domestic Relations Division.

4). The relator states that the case is now in Franklin County Court of Common Pleas. Therefore, the Orders, if they exist, would be found there. Further, the relator can contact the Lucas County Clerk of Court and request to inspect the records maintained in the case for DR92-1031. Lucas County Child Support Enforcement Agency no longer is the Agency with administrative responsibility in this case pursuant to the Child Support Program Manual 4101:12-10-30.1.

5). The Lucas County Court of Common Pleas, Domestic Relations Division transferred the case to Franklin County by Order filed April 25, 1995. (See appearance docket inquiring screen Exhibit A).

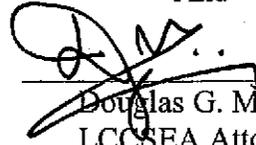
6). The respondent Motions the Court to Dismiss the Mandamus since the Court based on the action filed lacks jurisdiction over the subject matter, the relator fails to state a claim upon which relief can be granted and the relator failed to join all necessary parties under Civil Rule 19 or Rule 19.1.

WHEREFORE, Respondents Motion to Dismiss should be granted since the information sought by the relator is not in the custody of the Lucas County Child Support Enforcement Agency and that the case was transferred to Franklin County.

Respectfully submitted,
Julia R. Bates
Lucas County Prosecuting Attorney

By: 
Maureen O. Atkins
Assistant Prosecuting Attorney
Counsel of Record

And

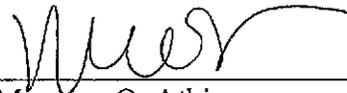


Douglas G. Marciniak
LCCSEA Attorney

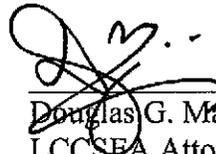
CERTIFICATION

This is to certify that a copy of this Motion was sent regular U.S. Mail to Relator, Titus L.

Jones this 30th day of July, 2008.



Maureen O. Atkins
Assistant Prosecuting Attorney
Counsel of Record



Douglas G. Marciniak
LCCSEA Attorney

dmm

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Case **DR 9921031**
 Example: DR20050001, DM20055001
 Plaintiff JONES/TITUS/L
 Defendant JONES/ANTOINETTE/

File Date 07/15/1992

Judge ZEMMELMAN/NORMAN/
 Atty PROSE
 Atty

EXHIBIT A

Dockets With Cost

| Date | Description |
|------------|--|
| 03/19/1996 | RETURN REC'D FOR CERT. MAIL #572312 REC'D AND SIGNED BY LAMONTE (LAST NAME ILLEGIBLE), DATED 3-07-96. |
| 05/01/1995 | ERMINATION FILED BY CSEA |
| 04/25/1995 | JE FILED ON ABOVE MOTION FILED 12/5/94 SEE JE 161/329. MAILED BY 5/5/95. CASE TRANSFERRED TO FRANKLIN COUNTY. |
| 04/24/1995 | REF. REPORT W/ NOTICE FILED, SENT TO PLTF & ATTY. KRAMER, & G.A.L. |
| 03/21/1995 | CERTIFICATE OF MAILING FILED 3 CERTIFICATES FROM DECISION |
| 03/17/1995 | DECISION AND JE FILED. COPIES SENT BY ORD. MAIL TO ATTY. KRAMER, ATTY. TUCKER AND FRANKLIN COUNTY. COURT OF COMMONS PLEAS. |
| 02/16/1995 | JE FILED. CAUSE REFERRED TO REF. KIRBY. SEE JE 155/317 |
| 01/24/1995 | JE FILED. SEE JE 153/130. MAILED BY 1/31/95. |
| 01/12/1995 | OBJECTION TO REFEREE REPORT FILED BY PLTF. |
| 01/09/1995 | ABOVE MOTION FILED (10/21/94) DISMISSED. SEE J.E. 151/517. MAILED BY 1/20/95. |
| 01/05/1995 | REFEREE'S REPORT WITH NOTICE FILED. COPIES SENT TO PLTF & ATTY KRAMER. |
| 12/22/1994 | LETTER RECEIVED FROM PRO SE PLTF. |
| 12/05/1994 | MOT FOR DISCOVERY FILED BY PRO SE PLTF. |
| 11/08/1994 | MOTION FOR CONTINUANCE FILED BY DF. AND CR SEE JE147/212. |
| 11/01/1994 | POST MOTION RETURN RECEIPT CERT. MAIL #560106 SIGNED BY ANTOINETTE JONES "NOT DATED". |
| 11/01/1994 | POST MOTION RETURN RECEIPT CERT. MAIL #560105 SIGNED BY ANTONIETTE JONES "NOT DATED". |
| 10/21/1994 | COST APPLIED TO : CLRS (10000140) |
| 10/21/1994 | COST APPLIED TO : MICROFILM (10000210) |
| 10/21/1994 | COST APPLIED TO : LEGAL NEWS (10000130) |
| 10/21/1994 | COST APPLIED TO : COURT COSTS (10000100) |
| 10/21/1994 | DEPOSIT RECEIVED (CONVERSION) |
| 10/21/1994 | MOT. TO VACATE, FILED BY PLTF. AND SENT BY CERT. MAIL #560105, TO ANTOINETTE JONES, P.O. BOX 09089 BEXLEY, OH. 43209. |
| 10/21/1994 | MOT. TO TRANSFER FOR IMPROPER VENUE, FILED BY PLTF. AND SENT BY CERT. MAIL #560106, TO |

05/26/1994 ABOVE MOTION [11-12-93] DENIED. SEE JE 131/322. MAILED BY 6-3-94

03/29/1994 ORDER TO INCOME PROVIDER & ADD'L ORDERS FILED SEE JE 125/515

03/29/1994 WAGE WITHHOLDING SENT TO EMPLOYER.

03/07/1994 FINDINGS & RECOMMENDATIONS OF CSEA & NOTICE FILED

03/07/1994 LCCSEA INVESTIGATION COMPLETED

02/28/1994 NOTICE TO COURT ON DEFAULTS FILED BY LCCSEA

02/15/1994 COST APPLIED TO : COURT COSTS (10000100)

01/19/1994 JE FILED PLTF NOT TO HAVE V&C WITH MINOR CHILD. SEE JE 117/661. MAILED 1-26-94

11/23/1993 MOTION & JE ENTRY TO MAKE AVAILABLE THE REPORT OF THE INVESTIGATION. SEE JE 111/638

11/18/1993 POST MOTION RETURN RECEIPT CERT. MAIL #78621 SIGNED BY "ILLEGIBLE" 11-17-93.

11/12/1993 DEPOSIT RECEIVED (CONVERSION)

11/12/1993 MOT. FOR RELIEF FROM JUDGMENT, FILED BY PLTF. AND SENT BY CERT. MAIL #78624, TO ANTOINETTE JONES, C/O JOHN C. KRAMER, ATTY. 3450 W. CENTRAL STE. 370 TOLEDO, OH.

11/12/1993 COST APPLIED TO : MICROFILM (10000210)

11/12/1993 COST APPLIED TO : LEGAL NEWS (10000130)

11/12/1993 COST APPLIED TO : COURT COSTS (10000100)

11/12/1993 COST APPLIED TO : CLRS (10000140)

11/05/1993 CERTIFICATE OF MAILING FOR FINAL JE (2)

10/28/1993 MOT TO SHOW CAUSE FILED BY PLTF; PRO SE. SUMMONS AND ORDER TO APPEAR SENT TO DEFT.

10/28/1993 ****[PLTF] GRANTED DIVORCE [] TO PAY COST, SEE JE 109/498 MAILED 11/4/93

10/22/1993 JE FILED CASE IS REFEREED TO REFEREE FOR HEARING. SEE JE 109/265

10/22/1993 REPORT OF GUARDIAN AD LITEM FILED.

10/05/1993 PRO SE REQUEST FOR JURY FILED BY PLTF.

10/01/1993 SUBPOENA RETURN ON: SWAN CREEK METROPARK ENDORSED "TOO LATE FOR SERVICE"

10/01/1993 SUBPOENA RETURN ON: COURT DIAGNOSTIC & TREATMENT CENTER, ENDOSRED "TOO LATE FOR SERVICE"

10/01/1993 SUBPOENA RETURN ON: CASA DEPT. ENDORSED "TOO LATE FOR SERVICE"

09/28/1993 SUBPOENA RETURN ON: STATE OF OHIO REHABILITATION SERVICES COMMOSSION, DATED 9-27-93

09/27/1993 SUBPOENA FILED & SENT TO: CASA DEPT.

09/27/1993 SUBPOENA FILED & SENT TO: SWAN CREEK METROPARK DANIEL DAY

09/27/1993 SUBPOENA FILED & SENT TO: COURT DIAGNOSTIC & TREATMENT CENTER

09/27/1993 SUBPOENA FILED & SENT TO: FAMILY SERVICE OF NORTHWEST OHIO

09/24/1993 SUBPOENA FILED & SENT TO: STATE OF OHIO REHABILITATION COMMISSION

09/09/1993 MOTION TO WITHDRAW FILED BY PLTF.

09/07/1993 LETTER SENT IN BY PLTF.

06/14/1993 COPY OF MOT FOR CONTINUANCE/NEW BLOOD TEST AND NOTICE OF HEARING SENT TO DEFT.

06/14/1993 MOT FOR CONTINUANCE AND FOR NEW BLOOD TEST FILED BY PLTF. (PER JUDGE GALVIN, THIS IS TO BE SET FOR HEARING.)

06/07/1993 ENTRY OF APPEARANCE FILED BY PLTF.

06/07/1993 ANSWER TO COUNTERCLAIM FILED BY PLTF.

06/02/1993 ABOVE MOTION FILED [3-16-93] DISMISSED SEE J.E. 97/302. MAILED 6-11-93

05/27/1993 REFEREES REPORT WITH NOTICE FILED, COPIES SENT TO PLTF & ATTY KRAMER, & G.A.L.

05/21/1993 RETURN RECEIVED FROM SHERIFF AS FOLLOWS: SERVED THE WITHIN TITUS JONES ON 05-20-93. J TELB SHERIFF G. SURPRISE, DEPUTY.

05/20/1993 COPY OF AMENDED ANSWER TO BE SERVED BY SHERIFF UPON PLTF TITUS JONES

04/29/1993 DEPOSIT RECEIVED (CONVERSION)

04/29/1993 COST APPLIED TO : COURT COSTS (10000100)

04/29/1993 COST APPLIED TO : LEGAL NEWS (10000130)

04/29/1993 AMENDED ANSWER AND COUNTERCLAIM FILED BY DEFT.

04/26/1993 SUBPOENA RETURN ON: TITUS JONES, DATED 4-22-93

04/21/1993 SUBPOENA FILED & SENT TO: TITUS JONES,

04/09/1993 RETURN RECEIPT CERTIFIED MAIL #79795 REC'D & SIGNED ANTOINETTE JONES, 4/6/93.

04/09/1993 RETURN RECEIPT CERTIFIED MAIL #79797 REC'D & SIGNED ANTOINETTE JONES, 4/6/93.

04/07/1993 RETURN RECEIPT CERTIFIED MAIL # 79796 RECEIVED & SIGNED ANTOINETTE JONES, 4/6/93.

04/06/1993 SUBPOENA RETURN ON: JOHN DAUER, DATED 4-1-93

04/06/1993 SUBPOENA RETURN ON: ANNETTE COLLINS, DATED 3-31-93

04/06/1993 JE FILED PURSUANT TO CIVIL RULE 75(M) SEE JE 91/501 MAILED 4/7/93

04/06/1993 SUBPOENA RETURN ON: MARK COLLINS, DATED 3-31-93

03/29/1993 SUBPOENA FILED & SENT TO: ANNETTE COLINS

03/29/1993 SUBPOENA FILED & SENT TO: MICHAEL JONES

03/29/1993 SUBPOENA FILED & SENT TO: JOHN DAUER

03/29/1993 SUBPOENA FILED & SENT TO: MARK COLLINS

03/23/1993 COUNTER AFF IN SUPPORT OF REQ FOR T/ORDERS FILED BY PLTF

03/23/1993 RETURN RECEIVED FROM CERT. MAIL #78739 SIGNED BY ANTOINETTE JONES ON "NOT DATED"

03/22/1993 MOTION TO ESTABLISH V & C IS CONTINUED TO FURTHER HEARING UPON THE COMPLETION OF THE GAL INVESTIGATION & PSYCHOLOGICAL EVALUATION SEE JE 89/858. MAILED 3/30/93

03/22/1993 RETURN RECEIVED FROM CERT. MAIL #78736, & #78737 BOTH SIGNED BY ANTOINETTE JONES ON "NOT DATED"

03/22/1993 MOT TO CLARIFY REF REP FILED BY PLTF, PRO SE

03/17/1993 JE FOR PSYCHOLOGICAL EVALUATION SEE JE 89/650. MAILED 3/24/93

03/17/1993 BOX 09089, BEXLEY, OH. 43209

03/17/1993 JE JOINING THE CHILDREN AS PARTIES & APPOINTING A GAL SEE JE 89/649. MAILED 3/24/93 & SENT BY CERT MAIL #79795 TO TYESHA JONES, #79796 TO TITUS JONES & #79797 TO TYLER JONES ALL %ANTOINETTE JONES, PO

03/16/1993 IV-D APPLICATION FILED

03/16/1993 REFEREES REPORT WITH NOTICE FILED, COPIES SENT TO PLTF & ATTY KRAMER, & GAL. ALSO SENT CERT. MAIL #78739 TO TYESHA JONES, #78737 TO TITUS JONES JR. & #78736 TO TYLER JONES. ALL C/O ANTOINETTE JONES

03/16/1993 NOTICE TO PARTIES AND BLANK AFFIDAVIT SENT TO PLTF

03/16/1993 AFFIDAVIT IN SUPPORT OF REQUEST FOR TEMP ORDERS FILED BY DEFT

03/16/1993 REFEREES REPORT WITH NOTICE FILED, COPIES SENT TO PLTF & ATTY KRAMER, & G.A.L.

03/16/1993 P.O. BOX 09089 BEXLEY, OH. 43209.

03/15/1993 RESPONSE TO MOT TO QUASH SUBPOENA FILED BY PLTF, PRO SE

03/15/1993 ORDER QUASHING SUBPOENAS DUCES TECUM SEE JE 89/526

03/12/1993 MOT TO QUASH SUBPOENA DUCES TECUM FILED

03/11/1993 COST APPLIED TO BLOOD TEST (GENETIC TESTING) (10000160)

03/10/1993 SUBPOENA RETURN ON: GAIL LAZZARO, DATED 3-2-93

03/09/1993 MOT TO QUASH SUBPOENA FILED BY LCCSB

03/04/1993 SUBPOENA RETURN ON: PAT BAYUS, DATED 3-3-93

03/04/1993 SUBPOENA RETURN ON: MARCIA CULLINS, DATED 3-2-93

03/04/1993 SUBPOENA RETURN ON: JOHN DAUCK UT INVESTIGATOR, DATED 3-2-93

03/04/1993 SUBPOENA RETURN ON: BARB SKELTON, DATED 3-2-93

03/04/1993 SUBPOENA RETURN ON: JOHNNY HUNT, DATED 3-2-93

03/04/1993 SUBPOENA RETURN ON: TOM TRIMBLE, DATED 3-2-93

03/04/1993 SUBPOENA RETURN ON: BERNADETTE JUAGI, DATED 3-2-93

03/04/1993 SUBPOENA RETURN ON: KARON ATKINS, DATED 3-2-93

03/04/1993 SUBPOENA RETURN ON: TOLEDO HEARING & SPEECH CENTER, DATED 3-2-93

03/01/1993 SUBPOENA FILED & SENT TO: MARCIA CULLINS

03/01/1993 SUBPOENA FILED & SENT TO: BARB SKEETON

03/01/1993 SUBPOENA FILED & SENT TO: PAT BAYUS

03/01/1993 SUBPOENA FILED & SENT TO: TOM TRIMBLE/DIRECTOR STUDENT CENTER

03/01/1993 SUBPOENA FILED & SENT TO: KARON ATKINS/TRANSPORTATION DEPT.

03/01/1993 SUBPOENA FILED & SENT TO: BERNADETTE CIJUAGI

03/01/1993 SUBPOENA FILED & SENT TO: GAIL LAZZARO

03/01/1993 SUBPOENA FILED & SENT TO: TOLEDO HEARING & SPEECH CENTER

03/01/1993 SUBPOENA FILED & SENT TO: JOHN DAUCK

03/01/1993 SUBPOENA FILED & SENT TO: JOHNNY HUNT

02/11/1993 ORDER GRANTING COUNSEL FOR PLTF LEAVE TO WITHDRAW SEE JE 87/246. MAILED 2/19/93.

02/04/1993 MOT FOR LEAVE TO WITHDRAW AS COUNSEL FOR PLTF.

02/01/1993 AFFIDAVIT FILED BY PLTF.

01/26/1993 MOT TO ESTABLISH RIGHTS OF V & C FILED BY PLTF. COPY AND NOTICE OF HEARING SENT TO DEFT.

01/15/1993 PRETRIAL SUMMARY ORDER FILED. SEE JE 85/236.

01/15/1993 ACKNOWLEDGMENT OF AGREEMENT FILED

11/17/1992 PRETRIAL SUMMARY ORDER FILED. SEE JE 79/840

10/05/1992 DEPOSIT RECEIVED (CONVERSION)

09/30/1992 ORDER GRANTING DEFT LEAVE TO FILE AN ANSWER SEE JE75/803.

09/30/1992 ANSWER FILED BY DEFT.

09/02/1992 COMPLAINT RETURN RECEIPT CERTIFIED MAIL #78969 SIGNED BY ANTOINETTE JONES, DATED 8-31-92

08/28/1992 PRAECIPE FOR SERVICE FILED: SUMMONS AND COPY OF COMPLAINT SENT TO: ANTOINETTE JONES, P.O. BOX 09089, BEXLEY, OH 43209. THROUGH CERT. MAIL #78969

08/10/1992 COMPLAINT RETURN RECEIPT ORDINARY MAIL ENDORSED "NOT DELIVERABLE AS ADDRESSED" ATTY. NOTIFIED.

07/29/1992 CERTIFICATE OF MAIL FILED ON COMPLAINT.

07/28/1992 PRAECIPE FOR SERVICE FILED: SUMMONS AND COPY OF COMPLAINT SENT TO: ANTOINETTE JONES, P.O. BOX 06157, COLUMBUS, OH 43206. THROUGH ORDINARY MAIL.

07/24/1992 COMPLAINT RETURN RECEIPT CERTIFIED MAIL #78805 ENDORSED "REFUSED" ATTY. NOTIFIED.

07/15/1992 SCHEDULES I, II, III & IV FILED

07/15/1992 COMPLAINT FOR DIVORCE FILED SUMMONS AND COPY OF COMPLAINT SENT TO ANTOINETTE JONES P.O. BOX 06157 COLUMBUS, OHIO BY CERT #78805

07/15/1992 COST APPLIED TO : LEGAL NEWS (10000130)

07/15/1992 COST APPLIED TO : BATTERED WOMEN (3%) - COUNTY (10000230)

07/15/1992 COST APPLIED TO : SPECIAL INVESTIGATION (10000190)

07/15/1992 COST APPLIED TO : COURT COSTS (10000100)

07/15/1992 COST APPLIED TO : CLRS (10000140)

07/15/1992 DEPOSIT RECEIVED (CONVERSION)

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01/26/1993 MOT TO ESTABLISH RIGHTS OF V & C FILED BY PLTF. COPY AND NOTICE OF HEARING SENT TO DEFT.

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08/10/1992 COMPLAINT RETURN RECEIPT ORDINARY MAIL ENDORSED "NOT DELIVERABLE AS ADDRESSED" ATTY. NOTIFIED.

07/29/1992 CERTIFICATE OF MAIL FILED ON COMPLAINT.

07/28/1992 PRAECIPE FOR SERVICE FILED: SUMMONS AND COPY OF COMPLAINT SENT TO: ANTOINETTE JONES, P.O. BOX 06157, COLUMBUS, OH 43206. THROUGH ORDINARY MAIL.

07/24/1992 COMPLAINT RETURN RECEIPT CERTIFIED MAIL #78805 ENDORSED "REFUSED" ATTY. NOTIFIED.

07/15/1992 SCHEDULES I, II, III & IV FILED

07/15/1992 COMPLAINT FOR DIVORCE FILED. SUMMONS AND COPY OF COMPLAINT SENT TO ANTOINETTE JONES, P.O. BOX 06157, COLUMBUS, OHIO BY CERT #78805

07/15/1992 COST APPLIED TO : LEGAL NEWS (10000130)

07/15/1992 COST APPLIED TO : BATTERED WOMEN (3%) - COUNTY (10000230)

07/15/1992 COST APPLIED TO : SPECIAL INVESTIGATION (10000190)

07/15/1992 COST APPLIED TO : COURT COSTS (10000100)

07/15/1992 COST APPLIED TO : CLRS (10000140)

07/15/1992 DEPOSIT RECEIVED (CONVERSION)