

ORIGINAL

# IN THE SUPREME COURT OF OHIO

State ex rel., Robert Watson,

Case No. 2009-0994

Relator

vs.

Honorable Judge William B. Hoffman, et al.,

Respondent.

**Motion to Dismiss  
Complaint for Writ of Prohibition**

Now come the Respondents Judge William B. Hoffman and the Fifth District Court of Appeals by and through the undersigned counsel and moves this honorable Court to dismiss the the above captioned matter as being moot. This matter involves Relator's Complaint for Writ of Prohibition, filed before this Court seeking writ of prohibition prohibiting the Fifth District Court of Appeals from holding further proceedings in Fifth District Court of Appeals case number 2008CA0201. On June 15, 2009, Judges Hoffman, Farmer, and Wise dismissed case 2008CA0201, the underlying appeal, based upon the lack of a final appealable order. Since the appeal has been dismissed, no further proceedings are scheduled in the Fifth District Court of Appeals on case 2008CA0201. The Relator already having obtained the prayed for remedy, the issue is now moot.

Respectfully Submitted,

RECEIVED  
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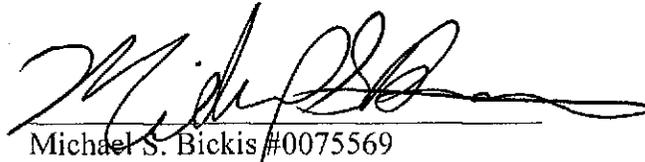
FILED  
JUN 23 2009  
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SUPREME COURT OF OHIO



Michael S. Hickis #0075569  
Assistant Prosecuting Attorney  
Stark County Prosecutor John Ferrero  
110 Central Plaza S. Ste. 510  
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Attorney for Respondents

PROOF OF SERVICE

A Copy of the foregoing Motion to Dismiss was sent to Robert G. Watson, Realtor at Mansfield Correctional Inst. No. 291-900 1150 North Main St. Mansfield, OH 44901 Mail by regular US mail on this 22nd day of June, 2009

A handwritten signature in black ink, appearing to read "Michael S. Bickis", written over a horizontal line.

Michael S. Bickis #0075569  
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Stark County Prosecutor John Ferrero  
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IN THE COURT OF APPEALS FOR RICHLAND COUNTY, OHIO  
FIFTH APPELLATE DISTRICT

COURT OF APPEALS  
RICHLAND COUNTY OHIO  
FILED  
2009 JUN 15 AM 9:52  
LINDA H. FRARY  
CLERK

ROBERT G. WATSON  
Plaintiff-Appellee

-vs-

STATE OF OHIO  
Defendant-Appellant

JUDGMENT ENTRY

CASE NO. 08 CA 201

This matter came before the Court upon Appellee's Motion to Strike Appellant's Brief and Appellee's Motion to Dismiss for Lack of a Final, Appealable Order. The order being appealed provided the order would become final 21 days from the filing of the order unless a party requested a hearing in writing. In this case, the order would become final on October 22, 2008 unless a request for hearing was made prior to that date. Appellee requested a hearing in writing on October 20, 2008 which remains pending before the trial court, therefore, the order being appealed is not yet a final order. Appellee's motion to dismiss is granted.

MOTION GRANTED.

APPEAL DISMISSED.

IT IS SO ORDERED.

*Pros.*  
*Robert Watson*

*William B. Hoffman*  
*Steph J. O'Connell*  
*[Signature]*

JUDGES