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**EXPLANATION OF WHY THIS CASE IS NOT OF
PUBLIC OR GREAT GENERAL INTEREST**

The case *sub judice* originated as a nuisance action brought by Appellee as the duly appointed Zoning Inspector of Bath Township, Ohio, against the Appellant involving land he owns in Bath Township, Ohio. The trial court found that Appellant was maintaining a nuisance by leaving two junk mobile homes on his property and ordered Appellant to remove the mobile homes. Appellant appealed the trial court's ruling to the Third District Court of Appeals which affirmed the finding of a nuisance in Case No. 1-08-64, *Campbell v. Bowersock* 2008-Ohio-1833. Appellant did not appeal that decision.

Following Appellant's failure to remove the mobile homes, the trial court issued an order on July 14, 2009 authorizing Appellee to enter upon Appellant's property to remove and destroy the two junk mobile homes at issue. Appellant filed his Notice of Appeal from that order in the case *sub judice* on July 22, 2009, appealing only the trial court's issuance of the order authorizing entry upon the land and removal of the mobile homes. Appellant did not seek a stay of the judgment in this matter pursuant to Civ. R. 62(B) pending the appeal.

On July 29, 2009, the Allen County Sheriff's Office entered upon Appellant's property and removed the two mobile homes which had been declared a nuisance. These mobile homes were destroyed.

Appellee filed a motion to dismiss the then pending appeal before the Third District Court of Appeals on August 12, 2009 arguing that the appeal was moot due to execution of the judgment and removal of the mobile homes. Appellee's motion to dismiss the appeal was supported by the affidavit of Deputy Shawn Felder who stated the mobile homes were removed

from Appellant's property on July 29, 2009. Appellant's reply to the motion to dismiss did not contest the fact that the mobile homes had been removed. The Third District Court of Appeals granted Appellee's motion on August 27, 2009 and dismissed the appeal. It is from this dismissal that Appellant is currently seeking jurisdiction of the Ohio Supreme Court.

The only issue before the Third District Court of Appeals was the trial court's order authorizing the removal of the mobile homes from Appellant's property. The Third District Court of Appeals found this matter was rendered moot due to the removal of the two mobile homes from Appellant's property during the pendency of the appeal.

An appeal is moot when there is no longer an actual controversy between the parties and when the appellate judgment will have no effect on the substantial rights of the parties. *State ex rel. Cardinal Joint Fire Dist. v. Canfield Twp.*, 2004-Ohio-5526, ¶ 22; citing *Knutty v. Wallace* (1995), 100 Ohio App.3d 555, 558. The sole matter on appeal was the trial court's granting of an order to enter upon Appellant's property and remove the mobile homes. It is uncontested that the mobile homes were removed from Appellant's property which in turn renders the appeal moot. It is not the duty of a court to answer moot questions. *Miner v. Witt* (1910), 82 Ohio St. 237.

Appellant is attempting to obtain a second review on the merits of the original appeal upon which the Third District Court of Appeals affirmed the trial court's original finding of nuisance. The Appellant chose not to appeal that decision and is now attempting to obtain a review via the trial court's order of July 14, 2009 authorizing entry upon his property. This Court should see through Appellant's smoke screen and deny jurisdiction on the instant appeal. There is no public or great general interest issue involved in this case.

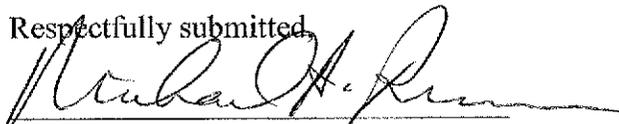
ARGUMENT AGAINST APPELLANT'S PROPOSITION OF LAW

The Appellant herein fails to set forth a specific proposition of law on the instant appeal as required by S. Ct. R. III, Sec. 1(B)(4), but rather presents a series of statements which are completely irrelevant to the appeal herein. The only matter involved in this appeal is the trial court's order authorizing entry upon Appellant's property to remove the nuisance he was continuously maintaining in violation of a prior affirmed court order. It is uncontested that the two mobile homes were removed from Appellant's property during the pendency of the underlying appeal, and that no stay of execution had been issued. Therefore the then pending appeal was rendered moot. The Third District Court of Appeals properly dismissed the underlying appeal since a controversy no longer existed between the parties.

CONCLUSION

For these reasons, Appellee respectfully requests this Court refuse to accept jurisdiction of this appeal.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the above Brief in Opposition to Jurisdiction of Appellee, Scott Campbell, Zoning Inspector, Bath Township, Ohio was served via regular US Mail upon William L. Bowersock, pro se, 1806 Lakewood Avenue, Lima, Ohio 45805, this 22 day of October, 2009.



Michael A. Rumer