

IN THE SUPREME COURT OF OHIO

14-0367

STATE EX REL.
CYNTHIA BALAS-BRATTON

CASE NO.

Relator/Appellant

vs.

DEAMETRIOUS A. ST. JOHN, Member
STARK CTY. BD. OF ELECTIONS

and

SAMUEL J. FERRUCCIO, Member
STARK CTY. BD. OF ELECTIONS

and

FRANK C. BRADEN, Member
STARK CTY. BD. OF ELECTIONS

and

WILLIAM S. CLINE, Member
STARK CTY. BD. OF ELECTIONS

and

STARK CTY. BD. OF ELECTIONS

Respondents/Appellees

Appeal of right from the
Fifth District Court of
Appeals on a Complaint for
Writ of Prohibition and/or
Mandamus

Court of Appeals Case No.
2014 CA 00025

FILED
MAR 10 2014
CLERK OF COURT
SUPREME COURT OF OHIO

NOTICE OF APPEAL OF RELATOR/APPELLANT CYNTHIA BALAS-BRATTON

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Counsel for Relator/Appellant

Counsel for Respondents/Appellees

RECEIVED
MAR 10 2014
CLERK OF COURT
SUPREME COURT OF OHIO

Notice of Appeal of Appellant Cynthia Balas-Bratton

Now comes Relator/Appellant, by and through counsel, and hereby gives notice, pursuant to S.Ct.Prac.R. 5.01(A)(3) and/or 6.01(A)(1), of her Appeal to this Court of the Judgment Entry issued by the Fifth District Court of Appeals on February 28, 2014 in its Case No. 2014 CA 00025, an original action in that Court in prohibition and/or mandamus.

A true file-stamped copy of the Judgment Entry on Appeal is attached hereto.

Respectfully submitted,



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PROOF OF SERVICE

A copy of the foregoing Notice was served, by regular U.S. Mail this 7th day of March, 2014, upon Deborah A. Dawson and Stephan P. Babik, counsel for Respondents/Appellees, 110 Central Plaza South, Suite 510, Canton, Ohio 44702.



CRAIG T. CONLEY
Counsel for Relator/Appellant

IN THE COURT OF APPEALS FOR STARK COUNTY, OHIO
FIFTH APPELLATE DISTRICT

STATE EX REL. CYNTHIA BALAS-
BRATTON

Relator

-vs-

DEAMETRIOUS A. ST. JOHN,
MEMBER STARK CTY. BD. OF
ELECTIONS, ET AL.

Respondents

Case No. 2014CA00025

JUDGMENT ENTRY

14 FEB 28 AM 9:21
CLERK OF COURT OF APPEALS
STARK COUNTY, OHIO
MINDY S. HENRIOLD

This matter comes before the Court upon a Complaint for Writ of Prohibition and/or Mandamus. One of the named respondents, Deametrious A. St. John, has filed a motion to dismiss for failure to state a claim upon which relief may be granted.

The complaint seeks to have a protest hearing which was scheduled for February 21, 2013 continued because the Board of Elections has refused to issue two subpoenas as requested by Relator. The complaint also seeks to prohibit one member of the board of elections from participating at the protest hearing due to alleged bias.

"A court may take judicial notice of mootness, and an event that causes a case to be moot may be proved by extrinsic evidence outside the record."

Golphin v. State, 8th Dist. Cuyahoga No. 82305, 2003-Ohio-1849.

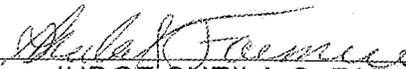
The instant complaint was filed on February 20, 2014 at 3:40 p.m. The complaint did not indicate the time the hearing was to be held on February 21, 2014. The Court takes notice that the hearing set for February 21, 2014 which Relator sought to continue began sometime around 9:00 a.m. and has concluded. Further, all members of the Board of Elections, including the one member sought to be excluded, participated in the vote.

For this reason, the Court finds the complaint to be moot and dismisses this cause. See *State v. Jones*, 2005-Ohio-115 *aff'd sub nom. State ex rel. Madsen v. Jones*, 2005-Ohio-4381, 106 Ohio St. 3d 178, 833 N.E.2d 29.1.

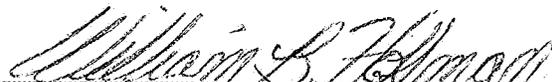
CAUSE DISMISSED.

COSTS TO RELATOR.

IT IS SO ORDERED.



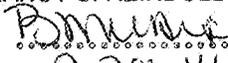
JUDGE SHEILA G. FARMER



JUDGE WILLIAM B. HOFFMAN



JUDGE JOHN W. WISE

A TRUE COPY TESTE:
NANCY S. REINBOLD, CLERK
By  Deputy
Date 2-28-14