[Cite as *In re M.R.J.*, 2019-Ohio-2755.]

IN THE COURT OF APPEALS OF OHIO
FOURTH APPELLATE DISTRICT
LAWRENCE COUNTY

IN THE MATTER OF: M.R.J.,	:	Case No. 18CA17
ADJUDICATED DEPENDENT CHILD	:	
	:	DECISION AND JUDGMENT ENTRY
	:	**RELEASED: 06/11/2019**

APPEARANCES:

Warren N. Morford, Jr., Ironton, Ohio, for appellant.

Philip J. Heald, Ironton, Ohio, for appellee.

Hess, J.

{¶1} G.J. ("Mother") appeals the trial court's judgment awarding permanent custody of her child, M.R.J., to the Lawrence County Department of Job and Family Services, Children Services Division ("LCCS") in a dependency action.

{¶2} First, Mother contends that the trial court lacked jurisdiction because LCCS failed to prove that she or the child resided in Ohio. However, LCCS presented evidence that the trial court had home-state jurisdiction pursuant to R.C. 3127.15(A)(1). Even if it did not, the court had default jurisdiction pursuant to R.C. 3127.15(A)(4).

{¶3} Mother also claims that LCCS failed to file an affidavit required by the Uniform Child Custody Jurisdiction and Enforcement Act ("UCCJEA"), which is codified in R.C. Chapter 3127. To the extent she relies on R.C. 3127.23(A), which requires a party in a custody proceeding to provide certain information in its first pleading or in an affidavit attached to that pleading, her claim lacks merit. R.C. 3127.23(E) exempts from

that requirement a public children services agency acting pursuant to a dependency complaint.

{¶4} Next, Mother appears to argue that LCCS could not serve her by publication pursuant to Civ.R. 4.4(A)(1) because it failed to exercise reasonable diligence to locate her. However, the record reflects that among other things, LCCS employees tried to locate Mother by visiting her last known address, checking internet resources, public assistance records, and local phone books. Given the facts and circumstances, the trial court did not abuse its discretion in finding the agency exercised reasonable diligence.

{¶5} In addition, Mother contends that the permanent custody decision and underlying dependency finding are against the manifest weight of the evidence. However, after weighing the evidence and all reasonable inferences and considering the credibility of the witnesses after according the requisite deference to the trial court's determinations, we conclude that the trial court did not clearly lose its way or create a manifest miscarriage of justice. Therefore, we reject Mother's contentions.

{¶6} Finally, Mother asserts LCCS violated the Americans with Disabilities Act by not providing her with mental health assistance or other services. She failed to explain why she is a qualified individual with a disability or how LCCS failed to provide services when she did not participate in the lower court proceedings. Thus, we reject this claim, and we affirm the trial court's judgment.

I. FACTS

{¶7} According to LCCS, King's Daughters Medical Center in Ashland, Kentucky, notified it that on January 3, 2018, Mother went to the hospital's emergency

room. Mother reported that she lived in an apartment in Ironton, Ohio,[1] and had walked about 2.5 hours to the hospital. She refused to provide any medical information and left the hospital but returned the next day via ambulance. The hospital admitted her, and on January 7, 2018, she gave birth to M.R.J. The hospital told LCCS that it planned to hold Mother in its behavioral unit for 72 hours due to schizophrenia, possible post-partum psychosis, and bipolar history.

{¶8} On January 9, 2018, LCCS investigator Shanna Aliff visited Mother in the behavioral unit. Mother accused Aliff of trespassing, did not ask about the child, and did not appear to remember giving birth. The next day, a magistrate granted LCCS's ex parte request for temporary custody. Aliff told Mother what was happening and notified her of the upcoming shelter care hearing. Aliff could not determine the identity of the child's father from the information Mother had provided. Mother refused to disclose her own mother's name or contact information. Aliff learned from child protective services in Kentucky that Mother had other children who had been placed with family members in Kentucky, but Aliff was unable to track down any family members.

{¶9} On January 11, 2018, Mother was transferred to Eastern State Hospital in Lexington, Kentucky, and Aliff filed a complaint on behalf of LCCS alleging M.R.J. was a dependent child because Mother had been admitted to that hospital, leaving the child "without proper care." Aliff stated that to the best of her knowledge, Mother resided at the Ironton address. The trial court conducted a shelter care hearing and ordered that the child remain in the temporary custody of LCCS pending the adjudicatory hearing. The clerk of courts unsuccessfully attempted to serve Mother with process at the Ironton

[1] During the adjudicatory hearing, LCCS investigator Shanna Aliff testified the apartment was in Coal Grove. However, during the permanent custody hearing, she testified it was in Ironton, which is the location that appears in the complaint and other court records.

address and ultimately served her and the unknown father via publication. Neither parent appeared at the adjudicatory hearing, and the court found the child to be dependent and continued temporary custody with the agency.

{¶10} LCCS moved for permanent custody pursuant to R.C. 2151.353 and 2151.414. The clerk mailed a letter to the Ironton address to inform Mother of the motion hearing date and served her with notice via publication. Neither parent appeared at the July 3, 2018 permanent custody hearing. LCCS caseworker Lisa Massie testified that Mother had no contact with the child since at the latest January 11, 2018, the child was "doing well" in foster care, and the foster parents were willing to adopt the child. Aliff and Massie testified about their efforts to locate Mother after her discharge from Eastern State, which included visits to the Ironton address. Mother was never home. During one visit, a woman named Connie claimed that she had been a patient with Mother at Eastern State and that Mother invited her to move in with Mother after they were discharged but failed to disclose that she was going to be evicted. Massie asked Connie to give Mother her business card. During an April 2018 visit, Massie observed that the apartment was vacant.

{¶11} Massie testified that on June 26, 2018, Mother called her. Mother did not ask about the child and instead accused Massie of improperly releasing information to her neighbors and police, who had harassed her. Mother claimed Connie was not her roommate but admitted that Connie gave her Massie's card. Massie advised Mother about the date of the next court hearing, i.e., the permanent custody hearing, and Mother stated she already knew because she "had received mail." Massie asked where Mother was, and Mother stated that she was homeless and living in Kentucky. Before

Massie could inquire about possible relatives to take custody of the child, Mother hung up on her. Massie unsuccessfully tried to call Mother back.

{¶12} The trial court granted the motion for permanent custody. It found that the parents had abandoned the child because neither had: (1) visited with or had contact with the child since January 2018, (2) appeared for any court hearing or requested appointment of an attorney, or (3) made any inquiry to LCCS about the child. The court found it was in the best interest of the child to grant permanent custody to the agency. It found LCCS "made diligent effort" to locate Mother and other family members, and the child was "doing well in foster placement" and "likely to be adopted by the granting of permanent custody to the agency."

II. ASSIGNMENTS OF ERROR

{¶13} Mother assigns the following errors for our review:

I. The Lawrence County Department of Job & Family Services Division had no jurisdiction over appellant, [Mother], and, a fortiori, her daughter, M.R.J., [ ].

II. The complainant, Lawrence County Department of Job & Family Services, Children's Services Division, failed to file a Uniform Child Custody Jurisdiction Act [sic].

III. The decision of the Lawrence County Probate-Juvenile Court is against the manifest weight of the evidence. It is the position of the appellant that the weight of the evidence does not support a finding of dependency.

IV. Complainant, Lawrence County Department of Job & Family Services, Children's Services Division, failed to meet its burden of proof.

V. Insufficient efforts were made by the Lawrence County Department of Job & Family Services, Children's Services Division to ascertain the whereabouts of the appellant.

> VI. The Lawrence County Department of Job & Family Services, Children's Services Division failed to provide the obvious mental health help needed by the [appellant], and the agency failed to provide the services to appellant in accordance with the Americans with Disability Act.

{¶14} Mother failed to argue her assigned errors separately as required by App.R. 16(A)(7). "Thus, it would be within our authority to summarily overrule her assignments of error and affirm the trial court's judgment." *Ogle v. Kroger Co.*, 4th Dist. Hocking No. 13CA22, 2014-Ohio-1099, ¶ 14, citing App.R. 12(A)(2). Nevertheless, in the interest of justice, we will address the merits of her arguments. For ease of discussion, we will address the assignments of error out of order.

III. JURISDICTION

{¶15} In the first assignment of error, Mother contends the trial court lacked jurisdiction because LCCS failed to prove that Mother or the child resided in Ohio. Mother notes that pursuant to R.C. 2151.06, a child in a dependency action "has the same residence or legal settlement as his parents" and that for purposes of the UCCJEA, R.C. 3127.01(B)(7) defines the child's "home state." However, her jurisdictional argument contains no analysis of these provisions or other legal authority.

{¶16} " 'The UCCJEA defines a trial court's subject-matter jurisdiction to issue a child custody determination.' " *Martindale v. Martindale*, 4th Dist. Athens No. 14CA30, 2016-Ohio-524, ¶ 27, quoting *In re R.M.,* 2013-Ohio-3588, 997 N.E.2d 169, ¶ 79 (4th Dist.). " ' "The existence of the trial court's subject-matter jurisdiction is a question of law that we review de novo." ' " *Id.*, quoting *Barber v. Williamson,* 4th Dist. Ross No. 11CA3265, 2012-Ohio-4925, ¶ 12, quoting *Yazdani-Isfehani v. Yazdani-Isfehani,* 170 Ohio App.3d 1, 2006-Ohio-7105, 865 N.E.2d 924, ¶ 20 (4th Dist.).

{¶17} R.C. 3127.15(A) "is the exclusive jurisdictional basis for making a child custody determination by a court of this state." R.C. 3127.15(B). "Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination." R.C. 3127.15(C). R.C. 3127.15(A)(1) through (A)(4) provide four instances in which "a court of this state has jurisdiction to make an initial determination in a child custody proceeding." Relevant here, R.C. 3127.15(A)(1) confers jurisdiction when "[t]his state is the home state of the child on the date of the commencement of the proceeding[.]" Pursuant to R.C. 3127.01(B)(7):

> "Home state" means the state in which a child lived with a parent or a person acting as a parent for at least six consecutive months immediately preceding the commencement of a child custody proceeding and, if a child is less than six months old, the state in which the child lived from birth with any of them. *A period of temporary absence of any of them is counted as part of the six-month or other period.*

(Emphasis added.)

{¶18} In *In re R.M.*, the mother lived in Ohio and the trial court adjudicated her three children to be neglected and awarded temporary custody to a children services agency. *In re R.M.* at ¶ 7, 84. Then, the mother gave birth to a fourth child in Kentucky, and two days later, the trial court awarded the agency temporary emergency custody of the child. *Id.* at ¶ 8, 85. The agency filed a neglect and dependency complaint regarding that child, and the court adjudicated the child dependent and awarded permanent custody of all four children to the agency. *Id.* at ¶ 8, 42. On appeal, the mother asserted the trial court lacked jurisdiction to issue the temporary emergency custody order because the fourth child was born in Kentucky and was not present in Ohio when the court asserted its jurisdiction. *Id.* at ¶ 76.

{¶19} We affirmed, concluding the trial court had jurisdiction pursuant to R.C. 3127.15(A)(1) because "Ohio was the child's home state on the date that [the agency] commenced the child custody proceeding." *Id.* at ¶ 83. We explained:

> In the case sub judice, the child did not live with appellant in Ohio for at least six months immediately preceding the commencement of the child custody proceeding. Instead, the child was a mere two days old when he was removed from appellant's custody. Because the child was less than six months old, the home state is the state in which the child lived with appellant from birth. [The child], however, did not physically live in Ohio with appellant at any point from his birth. Instead, he was born in Kentucky and remained in Kentucky for two days, until [the agency] assumed temporary custody. Appellant undeniably lived in Ohio before she gave birth to the child in Kentucky. Appellant did not move to Kentucky and the record contains no evidence that she intended to move to Kentucky. Instead, the trial court found that she went to Kentucky solely to give birth, not to relocate. Appellant thus temporarily absented herself from Ohio. By extension, [the child] also was temporarily absent from Ohio. Under R.C. 3127.01(B)(7), the time of appellant's and [the child's] temporary absence from Ohio counts when determining which state the child lived in from birth. We therefore believe that Ohio was [the child's] home state when [the agency] commenced the child custody proceeding. Moreover, we observe that under R.C. 2151.06, a child is deemed to have the same residence or legal settlement as the child's parent(s). Because the trial court possessed jurisdiction as [the child's] home state, it had no need to consider whether any other provision * * * authorized it to exercise jurisdiction in the child custody proceeding.

Id. at ¶ 84.

{¶20} Here, as in *In re R.M.*, the child was only a few days old when the child was removed from Mother's custody and LCCS commenced this action; thus, the home state is the state in which the child lived with Mother from birth. Although the child did not physically live with Mother in Ohio, the evidence indicates that Mother lived in Ohio before she gave birth. Aliff and Massie went to the Ohio address Mother purportedly gave King's Daughters, and the clerk sent a letter about the permanent custody hearing to that address. Mother's admission to receiving the business card Massie left at that

address and mail about the hearing tends to show the Ohio address had been a valid address for her. The record contains no evidence that Mother lived in Kentucky at the time she gave birth to M.R.J. or intended to move to Kentucky at that time. Thus, like the mother in *In re R.M.*, Mother was temporarily absent from Ohio when she went to Kentucky to give birth, and by extension, the child was also temporarily absent from Ohio. Because the time of this temporary absence counts when determining which state the child lived in from birth, R.C. 3127.01(B)(7), Ohio was the home state when LCCS commenced the dependency action, and the trial court had jurisdiction pursuant to R.C. 3127.15(A)(1).

{¶21} Even if R.C. 3127.15(A)(1) did not apply, the trial court would have had default jurisdiction pursuant to R.C. 3127.15(A)(4), which grants an Ohio court jurisdiction if "[n]o court of any other state would have jurisdiction under the criteria specified in division (A)(1), (2), or (3) of this section." Mother does not assert that a court of any other state had jurisdiction under those provisions, and "it is not our duty to create an argument on behalf of the appellant." *State v. Doughman*, 2017-Ohio-4253, 92 N.E.3d 30, ¶ 27 (4th Dist.). Accordingly, we overrule the first assignment of error.

IV. UCCJEA AFFIDAVIT

{¶22} In the second assignment of error, Mother contends LCCS failed to file an affidavit required by the UCCJEA, rendering the proceedings "moot and fatal." She does not cite a specific statutory provision to support her claim. To the extent she relies on R.C. 3127.23(A), which mandates that a party to a custody proceeding provide certain information in its "first pleading or in an affidavit attached to that pleading," her claim is meritless. R.C. 3127.23(E) provides that "[a] public children services agency,

acting pursuant to a complaint or an action on a complaint filed under section 2151.27 of the Revised Code, is not subject to the requirements of this section." Here, the agency acted pursuant to a R.C. 2157.27 dependency complaint. We overrule the second assignment of error.

V. REASONABLE DILIGENCE

{¶23} In the fifth assignment of error, Mother appears to contend that LCCS could not serve her by publication pursuant to Civ.R. 4.4(A)(1) because it did not exercise reasonable diligence to find her. Mother complains that LCCS "failed to check with the Kentucky authorities who allegedly removed two (2) older children" of Mother and "made no effort to contact" grandmothers of those children. She also complains that LCCS did not try to locate her landlord or obtain her medical records or the child's birth certificate, which may have led to Mother's whereabouts.

{¶24} "A reviewing court will not disturb a trial court's finding regarding whether service was proper unless the trial court abused its discretion." *Beaver v. Beaver*, 4th Dist. Pickaway No. 18CA5, 2018-Ohio-4460, ¶ 8. "Abuse of discretion connotes an unreasonable, arbitrary, or unconscionable attitude." *Renacci v. Testa*, 148 Ohio St. 3d 470, 2016-Ohio-3394, 71 N.E.3d 962, ¶ 32.

{¶25} Civ.R. 4.4(A)(1) provides that

> when service of process is required upon a party whose residence is unknown, service shall be made by publication in actions where such service is authorized by law. Before service by publication can be made, an affidavit of the party requesting service * * * shall be filed with the court. The affidavit shall aver that service of summons cannot be made because the residence of the party to be served is unknown to the affiant, all of the efforts made on behalf of the party to ascertain the residence of the party

> to be served, and that the residence of the party to be served cannot be ascertained with reasonable diligence.

{¶26} Reasonable diligence " 'requires taking steps which an individual of ordinary prudence would reasonably expect to be successful in locating a [party's] address.' " *In re Thompkins*, 115 Ohio St.3d 409, 2007-Ohio-5238, 875 N.E.2d 582, ¶ 25, quoting *Sizemore v. Smith*, 6 Ohio St.3d 330, 332, 453 N.E.2d 632 (1983). "[W]hat constitutes reasonable diligence will depend on the facts and circumstances of each particular case." *Id.*, quoting *Sizemore* at 332. "[S]teps taken in the effort to exercise reasonable diligence might include consulting a city directory, examining government records, or making inquiries of possible acquaintances of the person sought." *Id.* at ¶ 26, citing *Sizemore* at 332.

{¶27} Contrary to Mother's contention, Aliff testified that she did contact child protective services in Kentucky and learned Mother had other children who had been placed with family members in Kentucky, but Aliff was not able to track down any family members. In addition, Massie mailed letters to Mother's last known address, checked internet resources, public assistance records, local phone books, and jail records to locate her. Aliff and Massie visited the Ironton address a few times and communicated with a purported roommate. Massie gave the roommate her business card, which Mother received. Mother called Massie and stated that she was homeless at that time. She hung up on Massie and never answered calls to the phone number she had used.

{¶28} Based on these facts and circumstances, the trial court's finding that the agency exercised reasonable diligence to locate Mother was not unreasonable, arbitrary, or unconscionable. Accordingly, the trial court did not abuse its discretion, and we overrule the fifth assignment of error.

VI. MANIFEST WEIGHT OF THE EVIDENCE

{¶29} In the third assignment of error, Mother claims the dependency finding underlying the permanent custody decision is against the manifest weight of the evidence. In the fourth assignment of error, she generally challenges the permanent custody decision and asserts LCCS did not meet its burden of proof. Mother argues the only evidence about her "medical and/or psychiatric conditions" is hearsay, and there is no evidence about how these alleged conditions impact her ability to care for the child.

{¶30} *In re H.J.H.*, 4th Dist. Highland No. 18CA3, 2018-Ohio-1708, ¶ 15-16 explains:

> A reviewing court will not reverse a trial court's judgment in a permanent custody case unless it is against the manifest weight of the evidence. *See In re T.J.*, 4th Dist. Highland Nos. 15CA15 and 15CA16, 2016-Ohio-163, ¶ 25. "To determine whether a permanent custody decision is against the manifest weight of the evidence, an appellate court must weigh the evidence and all reasonable inferences, consider the credibility of the witnesses, and determine whether in resolving evidentiary conflicts, the trial court clearly lost its way and created such a manifest miscarriage of justice that the judgment must be reversed and a new trial ordered." *Id.* at ¶ 25 * * *. In reviewing evidence under this standard, we defer to the trial court's determinations of matters of credibility, which are crucial in these cases, where demeanor and attitude are not reflected well by the written record. * * *
>
> In a permanent custody case the dispositive issue on appeal is "whether the [juvenile] court's findings * * * were supported by clear and convincing evidence." *In re K.H.*, 119 Ohio St.3d 538, 2008-Ohio-4825, 895 N.E.2d 809, ¶ 43; R.C. 2151.414(B)(1). "Clear and convincing evidence" is "that measure or degree of proof which is more than a mere 'preponderance of the evidence,' but not to the extent of such certainty as is required 'beyond a reasonable doubt' in criminal cases and which will produce in the mind of the trier of facts a firm belief or conviction as to the facts sought to be established." *Cross v. Ledford*, 161 Ohio St. 469, 120 N.E.2d 118 (1954), paragraph three of the syllabus * * *. "[I]f the children services agency presented competent and credible evidence upon which the trier of fact reasonably could have formed a firm belief that permanent custody is warranted, then the court's decision is not against the manifest

weight of the evidence." *In re R.M.*, 2013-Ohio-3588, 997 N.E.2d 169, ¶ 55 (4th Dist.).

A. Dependency

{¶31} A "dependent child" includes a child "without adequate parental care, through no fault of the child's parents[.]" R.C. 2151.04(A). Here, the father's identity is unknown, and there is no evidence he had actual knowledge of M.R.J.'s birth. Although the record does not contain Mother's medical records, at the adjudicatory hearing, Aliff testified that when she went to King's Daughters, Mother had been admitted to the behavioral unit, and when the child was ready for discharge, Mother was admitted to Eastern State. Based on this evidence, the trial court could conclude the child was without adequate parental care, through no fault of the child's parents. The trial court did not lose its way or create a manifest miscarriage of justice when it adjudicated the child to be dependent, and we overrule the third assignment of error.

B. Permanent Custody

{¶32} If a trial court adjudicates a child dependent and, pursuant to R.C. 2151.353(A)(2)(a), issues a dispositional order committing the child to the temporary custody of a public children services agency, the court may grant a motion for permanent custody in accordance with R.C. 2151.414. R.C. 2151.353(C). Pursuant to R.C. 2151.414(B)(1)(b), a court may grant permanent custody of a child to a public children services agency if, after a hearing, the court determines by clear and convincing evidence that the "child is abandoned" and that "it is in the best interest of the child to grant permanent custody of the child to the agency[.]"

{¶33} R.C. 2151.011(C) provides that "a child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for

more than ninety days * * *." Mother does not dispute the fact that neither parent visited or maintained contact with M.R.J. for more than ninety days.

{¶34} R.C. 2151.414(D)(1) requires that in determining the best interest of the child, the court consider

> all relevant factors, including, but not limited to, the following:
>
> (a) The interaction and interrelationship of the child with the child's parents, siblings, relatives, foster caregivers and out-of-home providers, and any other person who may significantly affect the child;
>
> (b) The wishes of the child, as expressed directly by the child or through the child's guardian ad litem, with due regard for the maturity of the child;
>
> (c) The custodial history of the child * * *;
>
> (d) The child's need for a legally secure permanent placement and whether that type of placement can be achieved without a grant of permanent custody to the agency;
>
> (e) Whether any of the factors in divisions (E)(7) to (11) of this section apply in relation to the parents and child.

Relevant here, R.C. 2151.414(E)(10) requires consideration of whether "[t]he parent has abandoned the child."

{¶35} Although the trial court did not engage in a specific analysis of these factors, Mother did not request findings of fact and conclusions of law. Under these circumstances "we ordinarily presume that the trial court applied the law correctly and affirm if some evidence in the record supports the court's judgment." *In re E.S.*, 4th Dist. Pickaway Nos. 17CA16 & 17CA17, 2018-Ohio-1902, ¶ 30.

{¶36} Here, the evidence shows that M.R.J. had no relationship with her parents or other relatives and was doing well with her foster parents. The child was a baby and therefore too young to express the child's wishes. LCCS has had custody of the child

since three days after the child's birth. Although LCCS did not introduce Mother's medical records into evidence, the interactions LCCS employees had with Mother indicate she suffered from a mental health issue and did not exhibit a willingness or ability to provide for the child. However, the child's foster parents were willing to adopt the child if LCCS received permanent custody, which would provide a legally secure permanent placement. Finally, as already noted, Mother abandoned the child.

{¶37} Because LCCS presented competent and credible evidence upon which the trial court reasonably could have formed a firm belief that permanent custody was warranted, the trial court's decision is not against the manifest weight of the evidence. Accordingly, we overrule the fourth assignment of error.

VII. DISCRIMINATION

{¶38} In the sixth assignment of error, Mother maintains LCCS violated the Americans with Disabilities Act because it "failed to provide the obvious mental health help" she needed and provide other services. Mother notes 42 U.S.C. 12132 provides that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." But she did not explain why she is a qualified individual with a disability or how LCCS failed to provide her with services when she did not participate in the trial court proceedings. We overrule the sixth assignment of error.

VIII. CONCLUSION

{¶39} Having overruled each of the assignments of error, we affirm the trial court's judgment.

JUDGMENT AFFIRMED.

JUDGMENT ENTRY

It is ordered that the JUDGMENT IS AFFIRMED and that Appellant shall pay the costs.

The Court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this Court directing the Lawrence County Common Pleas Court, Juvenile Division, to carry this judgment into execution.

Any stay previously granted by this Court is hereby terminated as of the date of this entry.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

Smith, P.J. & Abele, J.: Concur in Judgment and Opinion.

For the Court

BY: _____
Michael D. Hess, Judge

NOTICE TO COUNSEL

Pursuant to Local Rule No. 14, this document constitutes a final judgment entry and the time period for further appeal commences from the date of filing with the clerk.