[Cite as *Hayslip v. Hanshaw,* 2016-Ohio-3339.]

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

CANDACE HAYSLIP NKA WILSON,	:	Case No. 15CA20
Plaintiff,	:	
and	:	
HIGHLAND COUNTY CHILD SUPPORT ENFORCEMENT AGENCY,	:	DECISION AND JUDGMENT ENTRY
Plaintiff-Appellant,	:	
v.	:	**RELEASED: 5/31/2016**
JOSEPH HANSHAW,	:	
Defendant-Appellee.	:	

APPEARANCES:

Richele M. Stroop, Hillsboro, Ohio, for appellant, Highland County Child Support Enforcement Agency.

Anneka P. Collins, Highland County Prosecuting Attorney, and Molly Bolek, Highland County Assistant Prosecuting Attorney, Hillsboro, Ohio, for amicus curiae.

Harsha, J.

{¶1} Over objection by the Highland County Child Support Enforcement Agency ("HCCSEA"), the Highland County Juvenile Court conducted a hearing on the agency's determination to modify an existing child-support order for Joseph Shawn Hanshaw. The juvenile court ruled that R.C. 3119.65, which requires the court to issue a revised child support order as calculated by the child support enforcement agency if neither the obligor nor the obligee requests a court hearing on the matter, is unconstitutional because it unlawfully delegates the court's function to an administrative agency.

{¶2} First HCCSEA asserts that the trial court ignored the clear and unambiguous language of R.C. 3119.65 by requiring a hearing for the court to determine the appropriate amount of child support when neither the obligor nor obligee requested one. Based on the plain, unambiguous language of the statute, the trial court was required to issue a revised child-support order requiring Hanshaw to pay Wilson the revised amount calculated by HCCSEA. In the absence of a request for a hearing by the obligor or obligee, the trial court did not have any authority under the statute to conduct a hearing to determine whether the agency's revised amount was appropriate. We sustain HCCSEA's first assignment of error.

{¶3} Next HCCSEA asserts that the trial court erred by holding that R.C. 3119.65 is unconstitutional. The trial court held that the statute is unconstitutional because it unlawfully delegated judicial power to child support enforcement agencies. Because the statute confers the right of the obligor and obligee to obtain judicial review, permitting an administrative agency to determine the appropriate amount of support in these circumstances does not constitute an unlawful delegation of judicial power to the agency. We sustain HCCSEA's second assignment of error.

I. FACTS

{¶4} In 2000, HCCSEA and Candace Hayslip nka Wilson filed a parentage action in the Highland County Court of Common Pleas, Juvenile Division to determine the father of Wilson's child. After Hanshaw's admission, the trial court entered a judgment establishing paternity and ordering Hanshaw to pay child support of $229.35 per month plus a processing fee.

{¶5} In 2015, HCCSEA conducted an administrative review of the child-support order and recommended that Hanshaw pay a reduced child-support amount of $50 per month plus a processing charge. The agency mailed the recommendation to the parties and notified them of their right to request an administrative or court hearing if they disagreed with the results or recommendation. HCCSEA filed its administrative adjustment recommendation with the trial court in July 2015.

{¶6} On the same date that HCCSEA filed its recommendation, the trial court scheduled a hearing on the administrative adjustment recommendation. Because neither Wilson nor Hanshaw had requested a hearing disputing the agency's recommendation, HCCSEA filed a motion based on R.C. 3119.65 requesting the court to vacate the hearing and to approve its adjustment recommendation as submitted.

{¶7} Nonetheless, the trial court magistrate proceeded to conduct the hearing, where neither parent appeared, but HCCSEA provided the testimony of its authorized representative, Shellie Elking. After rejecting the agency's motion to vacate the hearing, the magistrate questioned Elking, who testified that the agency imputed $240 of income to Hanshaw based on his prison wages and that it imputed $4,792.32 of income per year for Wilson based on information it obtained from the public assistance database. According to Elking the agency did not impute the minimum wage to Wilson because it would not have made a difference as Hanshaw was in prison. Wilson did not provide any information to the agency and neither parent objected to the agency's recommendation. The magistrate noted that she agreed with the agency's assessment that it would not make a difference whether it had imputed additional income to Wilson and stated that the court would approve the agency's child-support modification.

{¶8} Subsequently, the trial court entered a decision decreasing Hanshaw's child-support obligation to the recommended amount of $50 per month, plus $10 a month for his support-arrearage payment, and a processing charge. After the magistrate issued a decision denying HCCSEA's motion to vacate, the agency filed its objections.

{¶9} The trial court overruled HCCSEA's objections and adopted the decision by holding that R.C. 3119.65 "cannot limit the inherit [sic] authority of the Court to ensure its orders have a solid foundation in law and in fact" and "cannot deprive this Court of the right to review orders it is making." The trial court noted that in past cases, HCCSEA had not followed the Revised Code in establishing its administrative support orders and had sua sponte erroneously imputed income. The court concluded that it was the court's duty to monitor the agency's actions to ensure that the agency's recommendation had a basis in fact and in law. The trial court held that "to the extent that R.C. 3119.65 requires a court to approve an administrative recommendation to modify a child support order without a review of that recommendation to ensure that it has a basis in law and fact; [sic] it is unconstitutional as it unlawfully delegates the Court's function to an administrative agency."

{¶10} This appeal followed.[1]

II. ASSIGNMENTS OF ERROR

{¶11} HCCSEA assigns the following errors for our review:

1. THE CLEAR AND UNAMBIGUOUS LANGUAGE OF RC 3119.65 REQUIRES THE COURT TO ISSUE AN ORDER FOR CHILD

[1] HCCSEA filed a merit brief, but neither the child-support obligor (Hanshaw) nor the obligee (Wilson) did. The Highland County Prosecuting Attorney filed an amicus curiae brief in support of the trial court's judgment.

SUPPORT IN THE AMOUNT CALCULATED BY THE CHILD SUPPORT ENFORCEMENT AGENCY AND TO DO SO WITHOUT A HEARING WHEN NEITHER THE OBLIGOR NOR THE OBLIGEE REQUESTED SAME.

2. OHIO REVISED CODE 3119.65 DOES NOT UNLAWFULLY DELEGATE A COURT'S FUNCTION TO AN ADMINISTRATIVE AGENCY AS THE COURT'S AUTHORITY IS LIMITED BY THE LEGISLATURE AND THE COURT IS REQUIRED TO GIVE JUDICIAL DEFERENCE TO AGENCY INTERPRETATIONS OF STATUTES AND ADMINISTRATIVE EXPERIENCE.

III. LAW AND ANALYSIS

A. R.C. 3119.65-Statutory Interpretation

1. Standard of Review and General Principles

{¶12} In its first assignment of error HCCSEA asserts that the trial court disregarded the clear and unambiguous language of R.C. 3119.65 by requiring a hearing to determine the propriety of the agency's determination of a revised child-support amount. The resolution of this assertion requires the interpretation of the statute, which presents a question of law, and accordingly, we review the matter de novo. *State v. Vanzandt*, 142 Ohio St.3d 223, 2015-Ohio-236, 28 N.E.3d 1267, ¶ 6; *State v. Seal*, 2014-Ohio-4167, 20 N.E.3d 292, ¶ 19 (4th Dist.), quoting *State v. Bundy*, 2012-Ohio-3934, 974 N.E.2d 139, ¶ 46 (4th Dist.) (" 'The interpretation of a statute is a question of law that we review de novo' ").

{¶13} "When interpreting a statute, a court's paramount concern is legislative intent." *Risner v. Ohio Dept. of Natural Resources, Ohio Div. of Wildlife*, 144 Ohio St.3d 278, 2015-Ohio-3731, 42 N.E.3d 718, ¶ 12. " 'To discern legislative intent, we first consider the statutory language, reading all words and phrases in context and in accordance with rules of grammar and common usage.' " *See Holland v. Gas Ents.*

Co., 4th Dist. Washington No. 14CA35, 2015-Ohio-2527, ¶ 14, quoting *Ohio Neighborhood Finance, Inc. v. Scott*, 139 Ohio St.3d 536, 2014-Ohio-2440, 13 N.E.3d 1115, ¶ 22, citing R.C. 1.42. "We apply the statute as written * * *, and we refrain from adding or deleting words when the statute's meaning is clear and unambiguous." *Risner* at ¶ 12.

2. Analysis of HCCSEA's Statutory Claim that the Court Ignored R.C. 3119.65

{¶14} A child support enforcement agency has the authority to investigate, obtain information, recalculate, and issue administrative orders modifying support, and the trial court retains jurisdiction to modify child support under statutes and the Rules of Civil Procedure. Sowald and Morganstern, *Baldwin's Ohio Domestic Relations Law*, Section 19:17 (4th Ed.2016), citing R.C. 3109.05, 3119.02, 3119.63, and 3119.79 and Civ.R. 75(J). "The General Assembly has adopted a scheme, supplemented by administrative rule, that governs when and how a child support enforcement agency may review and adjust a court-issued child support order." *See Burton v. Harris*, 2013-Ohio-1058, 987 N.E.2d 745, ¶ 12 (10th Dist.). Based on R.C. 3119.60 and Ohio Adm.Code 5101:12-60-05.1, the child support enforcement agency, either sua sponte periodically or on the request of the obligor or obligee, can initiate an administrative review of a child-support order. In this case the review of the court's 2000 child-support order occurred upon the request of the obligor, Hanshaw.

{¶15} The child support enforcement agency establishes the date on which the review will formally begin, notifies the parties of the review and its commencement date, and requests that the parties provide the agency with certain financial, health-insurance, and other information necessary to properly review the child-support order. R.C.

3119.60; Ohio Adm.Code 5101:12-60-05.3. On the date designated by the agency, it will calculate a revised amount of child support to be paid under the court child-support order. R.C. 3119.63(A); Ohio Adm.Code 5101:12-60-05.4(A). The child support enforcement agency then gives the obligor and obligee notice of the revised amount of child support and their right to request an administrative and court hearing on the revised amount. R.C. 3119.63(B) and (E); Ohio Adm.Code 5101:12-60-05.4(C).

{¶16} If, as occurred here, neither party objects to the child support enforcement agency's revised child-support amount by requesting an administrative or court hearing, the agency must submit the revised amount of child support to the trial court for inclusion in a revised order. *See* R.C. 3119.63(D) ("If neither the obligor nor the obligee timely requests, pursuant to division (C) of this section, an administrative or court hearing on the revised amount of child support, [the child support enforcement agency shall] submit the revised amount of child support to the court for inclusion in a revised child support order"); Ohio Adm.Code 5101:12-60-05.4(D)(1) ("When no party timely objects to the JFS 07724, the CSEA shall, within five days: * * * [w]hen the child support order is a judicial order, submit the JFS 07724 to the court").

{¶17} Upon such a submission, "[t]he trial court will then issue an order requiring the obligor to pay the revised amount of child support calculated by the child support enforcement agency." *See Burton*, 2013-Ohio-1058, 987 N.E.2d 745, at ¶ 13, citing R.C. 3119.65. If neither party requests a court hearing, R.C. 3119.65 plainly and unambiguously requires the trial court to issue the revised child-support order in the revised amount calculated by the child support enforcement agency:

> If neither the obligor nor the obligee requests a court hearing on a revised amount of child support to be paid under a court child support order in

> accordance with section 3119.63 of the Revised Code, *the court shall issue a revised court child support order to require the obligor to pay the revised amount of child support calculated by the child support enforcement agency*.

(Emphasis added.)

{¶18} "If the statutory language is plain, we must enforce it according to its terms." *See King v. Burwell*, __ U.S. __, 135 S.Ct. 2480, 2489, 192 L.Ed.2d 483 (2015); *Risner*, 144 Ohio St.3d 278, 2015-Ohio-3731, 42 N.E.3d 718, at ¶ 12. Here, the trial court appeared to disregard the mandatory language of R.C. 3119.65 by finding that it was authorized to review the propriety of the agency's calculation of the revised amount of the child-support order. "A basic rule of statutory construction is that 'shall' is 'construed as mandatory unless there appears a clear and unequivocal legislative intent' otherwise." *Bergman v. Monarch Constr. Co.*, 124 Ohio St.3d 534, 2010-Ohio-622, 925 N.E.2d 116, ¶ 16. There is no countervailing clear and unequivocal legislative intent here. Thus, the trial court erred in failing to apply the plain language of R.C. 3119.65 by scheduling and refusing to vacate the hearing on the agency's administrative adjustment recommendation.

{¶19} Nonetheless, the trial court concluded that the statute did not prevent its review of the propriety of the child support enforcement agency's administrative revision of the court's child-support order because the court possessed inherent authority to ensure that the agency's recommendation was based in both fact and law. "A court's inherent authority is a power that is neither created nor assailable by acts of the legislature." *See Welty v. Casper*, 10th Dist. Franklin Nos. 13AP-618 and 13AP-714, 2014-Ohio-2903, ¶ 11, citing *Hale v. State*, 55 Ohio St. 210, 215, 45 N.E. 199 (1896). "[A] juvenile court is a creature of statute and, therefore, has only such powers as are

conferred upon it by the legislature." *Welty* at ¶ 11, citing *In re Agler*, 19 Ohio St.2d 70, 72-74, 249 N.E.2d 808 (1969). But even statutory courts have inherent authority "to do those things that are reasonable and necessary for the administration of justice within the scope of their jurisdiction, absent contrary legislation or constitutional limitations." *See* Stumpf, *Inherent Powers of the Courts*, p.8 (1994). R.C. 3119.65 provides the "contrary legislation" here.

{¶20} The statute only authorizes the trial court to review a child support enforcement agency's revised child-support amount when either the obligor or the obligee contests that revised amount by requesting an administrative or court hearing. *See, e.g., DeJesus v. DeJesus*, 170 Ohio App.3d 307, 2007-Ohio-678, 866 N.E.2d 1145, ¶ 25 (9th Dist.), citing *Manning v. Manning*, 9th Dist. Wayne No. 01CA0063, 2002 WL 347316, *2 (Mar. 6, 2002) ("because neither party requested a court hearing pursuant to R.C. 3119.65, the trial court was required to issue a revised court child support order to require the appellee to pay the revised amount of child support calculated by CSEA").

{¶21} The trial court's reliance on *Willier v. Willier*, 175 Ohio App.3d 793, 2008-Ohio-740, 889 N.E.2d 575 (3d Dist.), to support its claim of inherent authority is misplaced. In *Willier* the court of appeals held that R.C. 3119.65 required the trial court to adopt the revised amount of child support calculated by the child support enforcement agency in the absence of the obligor or obligee requesting a court hearing contesting the agency's decision. But the court concluded the statute did not limit the inherent authority of the court to address additional matters, e.g., the effective date of the revised child-support order and the designation of dependents for income tax

purposes.[2] In effect, the court of appeals acknowledged that the trial court must adopt the revised amount of child support calculated by the agency:

> In essence, the MCCSEA argues that R.C. 3119.65 precludes the common pleas court from taking any judicial action except to adopt the revised support amount calculated by the child-support-enforcement agency when modifying a court order of support. In making this argument, the MCCSEA wholly misconstrues its own role and the authority of the common pleas court in adopting a recommendation of the agency for a revised amount of child support under R.C. 3119.65. *In short, the role of the agency is limited to the calculation of the revised amount of child support, which in turn, must be reflected in the order of the common pleas court under R.C. 3119.65, if neither obligor [n]or obligee requests a court hearing*. *See DeJesus v. DeJesus*, 170 Ohio App.3d 307, 2007-Ohio-678, 866 N.E.2d 1145; *see also Manning v. Manning*, 9th Dist. No. 01CA0063, 2002-Ohio-950, 2002 WL 347316. This was clearly done in this case. However, nothing in R.C. 3119.65 limits the inherent authority of the common pleas court to address additional matters beyond the amount of support when the court enters its final judgment modifying an order of child support.

(Emphasis added.)

{¶22} Therefore, *Willier* actually supports HCCSEA's position rather than the trial court's holding. Although we are sympathetic with the trial court's dissatisfaction with the accuracy of the administrative determinations made in other cases, we cannot confer additional authority on the juvenile court by judicial fiat. *See Parker v. Jones*, 4th Dist. Ross No. 14CA3421, 2014-Ohio-3862, ¶ 16 ("policy argument concerning why a juvenile court should have jurisdiction over a nonparent's visitation claim is one best resolved by the General Assembly rather than judicial fiat"); *State ex rel. VanCleave v. School Emps. Retirement Sys.*, 120 Ohio St.3d 261, 2008–Ohio–5377, 898 N.E.2d 33,

[2] As a justification for its judgment, the trial court mentioned the need to determine the financial circumstances of the parties to make an allocation of the income-tax exemption as an additional justification for the hearing on HCCSEA's administrative adjustment recommendation. But the magistrate never identified this as a reason for the hearing during that proceeding or in the decision denying the agency's motion to vacate, and a review of the entire record establishes that the actual justification for the hearing was the court's dissatisfaction with the agency's computation of child support in prior cases.

¶ 27 (“The General Assembly is the final arbiter of public policy”); *Stetter v. R.J. Corman Derailment Servs., L.L.C.*, 125 Ohio St.3d 280, 2010–Ohio–1029, 927 N.E.2d 1092, ¶ 35, quoting *Groch v. Gen. Motors Corp.*, 117 Ohio St.3d 192, 2008–Ohio–546, 883 N.E.2d 377, ¶ 212 (“[i]t is not the role of the courts ‘to establish legislative policies or to second-guess the General Assembly's policy choices.’ ”).

{¶23} The trial court concluded that it had inherent authority to ensure that the court’s child-support order was based on both fact and law, which in essence is an implied reference to the court’s role in protecting the child’s best interest. We acknowledge that even statutorily created courts like juvenile courts possess inherent authority to do those things that are reasonable and necessary for the administration of justice within the scope of their jurisdiction, “absent contrary legislation or constitutional limitations.” *Stumpf, supra.* R.C. 3119.65 provides the “contrary legislation” here by requiring the juvenile court to issue the revised child-support order in the amount calculated by the child support enforcement agency absent a request for a court hearing.

{¶24} To be sure, in matters involving children courts have on rare occasions referenced a trial court’s inherent authority to act in the best interest of the child. *See, e.g., Ornelas v. Ornelas,* 2012-Ohio-4106, 978 N.E.2d 946 (12th Dist.) (a trial court has inherent authority to decline a parent’s request to relocate children during an initial custody determination; trial courts have this authority because the paramount concern of custody determination is the best interest of the child and one of the factors in the best interest test is whether the parent will be establishing a residence out of state); *In re Skrha*, 98 Ohio App.3d 487, 648 N.E.2d 908 (8th Dist.1994) (common pleas court

had inherent authority to issue TRO that it felt was necessary to alleviate emergency, and then to dissolve it upon its determination that it would not be in the best interest of the children to assume jurisdiction over the injunctive action); *Riddle v. Riddle*, 63 Ohio Misc.2d 43, 619 N.E.2d 1201 (Shelby C.P.1992) (court had inherent authority, when considering the best interests of a minor child, to estop plaintiff from using genetic testing to disestablish a child's paternity with his presumed father).

{¶25} However, none of these unique cases involves a trial court acting contrary to the plain language of a statute. By contrast, the juvenile court in this case ignored the plain language of R.C. 3119.65 by conducting a hearing on the revised child-support order without a request by the obligor or obligee. We have found no authority that supports the juvenile court's assertion of inherent authority in these circumstances.

{¶26} We conclude that in the absence of a request for a court hearing by the obligor or obligee, the trial court erred in disregarding the plain language of R.C. 3119.65 and attempting to invoke inherent authority to review the propriety of the agency's calculation of the revised amount of the child-support order. We sustain HCCSEA's first assignment of error.

C. Constitutional Challenge to R.C. 3119.65

1. Standard of Review and General Principles

{¶27} In its second assignment of error HCCSEA contends that the trial court erred in holding that R.C. 3119.65 is unconstitutional. "[B]ecause the determination of a statute's constitutionality presents a question of law, we review the merits of that question on a de novo basis." *State v. Shinkle*, 4th Dist. Ross No. 08CA3049, 2009-Ohio-885, ¶ 3; *Toledo City School Dist. Bd. of Edn. v. State Bd. of Edn.*, 2014-Ohio-

3741, 18 N.E.3d 505, ¶ 19 (10th Dist.) ("An appellate court must also apply the de novo standard of review when examining the constitutionality of a statute"). Moreover, "[w]hen a claim challenges a statute's constitutionality, we begin with the presumption that the statute is constitutional." *State ex rel. Ohio Civ. Serv. Emps. Assn. v. State*, __ Ohio St.3d __, 2016-Ohio-478, __ N.E.3d __, ¶ 13. "We will declare the statute unconstitutional only if we conclude that it is unconstitutional beyond a reasonable doubt." *Id*.

2. Analysis of Trial Court's Holding that R.C. 3119.65 is Unconstitutional

{¶28} The trial court held that R.C. 3119.65 is unconstitutional "to the extent that [it] requires a court to approve an administrative recommendation to modify a child support order without a review of that recommendation to ensure that it has a basis in law and fact" because "it unlawfully delegates the Court's function to an administrative agency." "There can be no debate that pursuant to Section 1, Article IV of the Ohio Constitution, the judicial power resides exclusively in the judicial branch." *Norwood v. Horney*, 110 Ohio St.3d 353, 2006-Ohio-3799, 853 N.E.2d 1115, ¶ 117. "[J]urists have long understood that they must be wary of any usurpation of the powers conferred on the judiciary by constitutional mandate and any intrusion upon the courts' inherent powers, i.e., those powers that 'are necessary to the orderly and efficient exercise of jurisdiction' and without which 'no other [power] could be exercised.' " *Id*. quoting *Hale*, 55 Ohio St. 210, 213, 45 N.E. 199.

{¶29} However, R.C. 3119.65 does not unlawfully delegate juvenile courts' inherent judicial power to child support enforcement agencies. Under the plain language of R.C. 3119.65, juvenile-court authority does not include judicial review of any child

support enforcement agency calculation of revised child-support orders in the absence of a request for a court hearing by the obligor or obligee. Without any contest of the calculation of the revised amount of child support by the interested parties—the obligor and the obligee—there is no adversarial proceeding that requires judicial intervention to review the administrative calculation. *See Bell v. Beightler*, 10th Dist. Franklin No. 02AP-569, 2003-Ohio-88, ¶ 59 ("It is a judicial function to hear and determine a controversy between adverse parties").

{¶30} Other courts have rejected comparable claims. For example, the Second District held that the trial court did not unlawfully delegate its judicial authority to an administrative agency by making the payment of court-ordered child support a condition of probation. The court concluded that because the defendant had an opportunity to dispute a claim of probation violation before the court, no improper delegation occurred. *State v. Shufford*, 2d Dist. Montgomery Nos. 24846 and 24847, 2012-Ohio-3503, at ¶ 17-24. And the Supreme Court of Ohio held that the delegation from the General Assembly to the Superintendent of Insurance of the authority to review rate increases did not constitute an unconstitutional delegation of legislative power. *Blue Cross of Northeast Ohio v. Ratchford*, 64 Ohio St.2d 256, 416 N.E.2d 614 (1980). The Supreme Court emphasized that the contested legislation included a right to judicial review of the administrative action taken. *Id.* at 260, 416 N.E.2d 614. The administrative decision by the child support enforcement agency here to revise the court's prior child-support order included the right of the interested parties—the obligor and obligee—to judicial review by requesting a court hearing.

{¶31} Because nothing cited by the trial court or amicus curiae has rebutted the presumed constitutionality of R.C. 3119.65, the trial court erred in holding that the statute is an unconstitutional delegation of judicial power to child support enforcement agencies. We sustain HCCSEA's second assignment of error.

IV. CONCLUSION

{¶32} The trial court ignored the plain language of R.C. 3119.65 by conducting a hearing to review the propriety of the child support enforcement agency's calculation of the revised amount of child support in the absence of any objection by the obligor or obligee. The trial court further erred in holding that the statute is unconstitutional. Having sustained HCCSEA's assignments of error, we reverse the judgment of the trial court and remand the cause to that court for the entry of judgment consistent with this opinion.

JUDGMENT REVERSED
AND CAUSE REMANDED.

JUDGMENT ENTRY

It is ordered that the JUDGMENT IS REVERSED and that the CAUSE IS REMANDED. Appellee 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 Highland County Court of Common Pleas, 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.

Hoover, J.: Concurs in Judgment and Opinion.
McFarland, J.: Dissents.

For the Court

BY: _____
William H. Harsha, 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.