

[Cite as *State ex rel. Rothschild v. McCafferty*, 2003-Ohio-440.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 82023

STATE OF OHIO, EX REL.	:	
HONEY ROTHSCHILD	:	JOURNAL ENTRY
	:	
Relator	:	AND
	:	
-vs-	:	OPINION
	:	
JUDGE BRIDGET McCAFFERTY,	:	
CUYAHOGA COUNTY COMMON	:	
PLEAS COURT	:	
	:	
Respondent	:	

Date of Journalization: JANUARY 29, 2003

Character of Proceeding: MANDAMUS

Judgment: DISMISSED

Appearances:

For Relator: HONEY ROTHSCHILD, PRO SE
P.O. Box 38
Avon, Ohio 44011

For Respondent: WILLIAM D. MASON
Cuyahoga County Prosecutor
ROCHELLE DOBECK, Assistant
Prosecuting Attorney
1200 Ontario Street
Cleveland, Ohio 44113

JAMES J. SWEENEY, J.:

{¶1} Honey Rothschild, the relator, has filed a complaint for a writ of mandamus through which she seeks an order from this court which requires Judge Bridget McCafferty, the respondent, to proceed to trial in the underlying action of *Chinnock v. Rothschild*, Cuyahoga County Court of Common Pleas Case No. CV-01-451346. Specifically, Rothschild seeks the reinstatement of the underlying action and disposition of her counterclaims. Judge McCafferty has filed a motion to dismiss, which we grant for the following reasons.

{¶2} On March 8, 2002, Judge McCafferty dismissed the underlying action captioned *Chinnock v. Rothschild*, Case No. CV-01-45346, which resulted in Rothschild filing an appeal with this court. See *Chinnock v. Rothschild*, Cuyahoga App. No. 81134. On June 14, 2002, this court dismissed Rothschild's appeal for lack of a final appealable order. See R.C. 2505.02 and Civ.R. 54(B). On November 15, 2002, Judge McCafferty journalized a journal entry which provided as follows:

{¶3} "Upon notification from the Cuyahoga County Clerk of Courts on 11/12/02, this court has just received a copy of an August 26, 2002 order from the Court of Appeals. Said order clarifies a previous appellate order of July 2, 2002 which dismissed the appeal but did not remand the case. The August 26, 2002 order clarifies the July order by adding that this court does indeed have jurisdiction. The court just having received notice of

jurisdiction sets the following schedule: parties are ordered to file supplemental summary judgment briefs on any claims not previously dismissed by 12/13/2002 and briefs in opposition are due 1/13/2003. New final pretrial is set January 18, 2003 at 9:00 AM."

{¶4} Based upon the journal entry of November 15, 2002, it is patently evident that the underlying action has been re-instated to active status and that trial and/or disposition of Rothschild's counterclaims is imminent. Accordingly, we find that Rothschild's request for a writ of mandamus is moot and grant Judge McCafferty's motion to dismiss. *State ex rel. Jerningham v. Cuyahoga County Court of Common Pleas* (1996), 74 Ohio St.3d 278; 658 N.E.2d 723; *State ex rel. Gantt v. Coleman* (1983), 6 Ohio St.3d 5, 450 N.E.2d 1163. Costs to Rothschild. It is further ordered that the Clerk of the Eighth District Court of Appeals serve upon all parties notice of this judgment as mandated by Civ.R. 58(B).

Complaint dismissed.

KENNETH A. ROCCO, P.J., and
MICHAEL J. CORRIGAN, J., CONCUR.

JAMES J. SWEENEY
JUDGE