

[Cite as *Vilk v. Bridge*, 2016-Ohio-4706.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 103753

GREGORY J. VILK

PLAINTIFF-APPELLEE

vs.

WILLIAM W. BRIDGE, III

DEFENDANT-APPELLANT

JUDGMENT:
VACATED

Criminal Appeal from the
Cuyahoga County Court of Common Pleas
Case No. CV-15-851865-A

BEFORE: E.A. Gallagher, J., Keough, P.J., and McCormack, J.

RELEASED AND JOURNALIZED: June 30, 2016

FOR APPELLANT

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EILEEN A. GALLAGHER, J.:

{¶1} This court takes judicial notice that the address provided by appellee, Gregory J. Vilk on his petition for a civil protection order, to-wit: 8285 Lucerne Drive Chagrin Falls, Ohio is located in the County of Geauga, State of Ohio.

{¶2} Pursuant to Civ.R. 3(B)(10), an action for a civil protection order must be commenced in the county in which the petitioner resides.

{¶3} R.C. 2903.214 governs the filing of a petition for a civil protection order and provides that the court of common pleas of the county in which the person to be protected by the protection order resides has jurisdiction over all proceedings under the statute.

{¶4} By virtue of appellee's own pleading, therefore, the Cuyahoga County Court of Common Pleas lacks jurisdiction over this matter. Without addressing the merits of this case, the order of the trial court is vacated.

{¶5} Based on this decision, the appellee is not precluded from filing this matter in the Geauga County Court of Common Pleas. We further note that, having found that the trial court lacked subject matter jurisdiction in this matter, the Cuyahoga County Court of Common Pleas is without jurisdiction to transfer the case to another jurisdiction. *State ex rel. Frinzel v. Ohio DOT*, 8th Dist. Cuyahoga No. 75347, 1999 Ohio App. LEXIS 437 (Feb. 11, 1999), citing *State ex rel. Dannaher v. Crawford*, 78 Ohio St.3d 391, 678 N.E.2d 549 (1997).

{¶6} The judgment in this matter is vacated and the case is remanded to the trial court to issue an order consistent therewith.

It is ordered that appellant recover from appellee the costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the common pleas court to carry this judgment into execution.

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

EILEEN A. GALLAGHER, JUDGE

KATHLEEN ANN KEOUGH, P.J., and
TIM McCORMACK, J., CONCUR