

COURT OF APPEALS OF OHIO
EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

S.M.W.,

Relator,

v.

JUDGE MARILYN B. CASSIDY,
ET AL.,

Respondents.

:

:

No. 114701

:

:

:

JOURNAL ENTRY AND OPINION

JUDGMENT: WRIT DISMISSED

DATED: June 27, 2025

Writ of Procedendo
Order No. 585532
Motion No. 584540

Appearances:

S.M.W., *pro se*.

Mark D. Griffin, Director of Law, and Gilbert E. Blomgren,
and James R. Russell, Jr., Assistant Directors of Law, *for*
respondents.

MARY J. BOYLE, J.:

{¶ 1} On December 31, 2024, the relator commenced this procedendo action against the respondents Judge Marilyn Cassidy and Judge Michelle Early to compel the respondents to issue a ruling on a motion to expunge or seal the records

in the underlying case, *State of Ohio/City of Cleveland v. S.W.*, Cleveland M.C. No. 2020-CRB-007078.¹ After several continuances because of a cyberattack on the Cleveland Municipal Court, the respondent judges on May 16, 2025, moved to dismiss on the grounds of mootness because the motion to seal records had been granted on January 13, 2025. Attached to the motion was a copy of the docket in the underlying case showing the motion to seal the records was granted on that date. The relator has not filed a response to the respondents' dispositive motion.

{¶ 2} This court is convinced that the procedendo action is moot. The respondents have proceeded to grant the subject motion. Moreover, a party's failure to oppose a motion to dismiss generally constitutes a waiver of any opposition to the movant's arguments. *Clay v. Galita*, 2024-Ohio-833, ¶ 7 (8th Dist.).

{¶ 3} Accordingly, this court grants the respondents' motion to dismiss and dismisses this procedendo action. Each party to pay its own costs. The court further directs the clerk to seal the records of this case. This court orders the clerk of courts to serve all parties notice of the judgment and its date of entry upon the journal as required by Civ.R. 58(B).

¹ "Expungement occurs when a conviction is completely erased from one's record. Sealing is when the records are filed in 'separate, secured location' and 'cannot be seen by most people.'" *State v. W.A.R.*, 2024-Ohio-256 (8th Dist.), ¶ 13, fn. 2.

{¶ 4} Writ dismissed.

MARY J. BOYLE, JUDGE

EMANUELLA D. GROVES, P.J., and
ANITA LASTER MAYS, J., CONCUR