

**IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT**

UPPER ARLINGTON CITY	:	
SCHOOL DISTRICT BOARD	:	APPEAL NO. 20AP000576
OF EDUCATION,	:	
	:	REGULAR CALENDAR
Plaintiff-Appellant,	:	
	:	On Appeal From The
	:	Court of Common Pleas
v.	:	Franklin County, Ohio
	:	
CITY OF UPPER ARLINGTON	:	
BUILDING DEPARTMENT, et al.,	:	
	:	
Defendants-Appellees.	:	

**BRIEF OF APPELLEE – CITY OF UPPER ARLINGTON
BUILDING DEPARTMENT**

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TABLE OF CONTENTS

	<u>Page</u>
APPELLANT’S ASSIGNMENTS OF ERROR.....	1
POSITION STATEMENT	2
CERTIFICATE OF SERVICE	3

APPELLANT’S ASSIGNMENTS OF ERROR

1. First Assignment of Error: Trial Court erred in granting motion to intervene of Intervenor Jane Doe, in her individual capacity and on behalf of her minor son John Doe through Trial Court’s “Decision and Entry Granting Motion to Intervene of Jane Doe (Filed October 14, 2020) and Order Adding Jane Doe, Individually and on Behalf of her Minor Son, as an Appellee” filed 10/15/20.
2. Second Assignment of Error: Trial Court erred in granting motion to vacate judgment of Intervenor Jane Doe, in her individual capacity and on behalf of her minor son John Doe through Trial Court’s “Decision and Entry Granting Appellee’s, Jane Doe, Motion to Vacate Summary Judgment, filed October 15, 2020” filed 11/30/20.

CITY OF UPPER ARLINGTON'S POSITION STATEMENT

The Assignments of Error before this Court involve procedural questions that concern the Appellant school district and the Intervenor-Appellee. The City of Upper Arlington is a party to this suit by virtue of its role as building inspector and maintains that it will abide by whatever the court determines as to the ultimate issue in the case. Consistent with this position, the City has no arguments to present as to the merits of the positions of either party on the assignments of error in this appeal.

Respectfully submitted,

/s/ Darren Shulman

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Brief of Appellee – City of Upper Arlington Building Department was filed electronically on February 9, 2021 through the Court’s cm/ecf system, which by its operation will serve notice on all registered parties. Parties may access the filing through the Court’s system.

The undersigned also hereby certifies that a copy of this brief was also served via email upon the following parties this date:

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