

**IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
GEAUGA COUNTY, OHIO**

FILED
COMMON PLEAS COURT
2014 DEC 15 PM 12:45

PROBATE-JUVENILE
DIVISION
GEAUGA COUNTY, OHIO

IN THE MATTER OF:)
) CASE NO. **84 PC 139**
)
CHESTER TOWNSHIP PARK DISTRICT)
) JUDGE TIMOTHY J GRENDALL
)
) **SUPPLEMENTAL JUDGMENT ENTRY**

In supplement to this Court's November 26, 2014 Judgment Entry Findings of Facts and Conclusions of Law:

1. This Court has subject matter jurisdiction over this matter on this following basis:
 - (a) Pursuant to R.C. 1545.06, this Court had and has a duty to review the conduct and status of the Chester Township Park Board members, whose actions and conduct were challenged in the 2013 Review that was brought to this Court's attention in March, 2014. That jurisdiction includes this Court's statutory mandated jurisdiction and authority to remove members of the Park Board on the Court's own motion pursuant to R.C. 1545.06.
 - (b) The Court's subject matter jurisdiction over the Chester Township Park Board stems directly from the Court's creation of the Chester Township Park District by Court judgment entry in 1984, which case has remained an open and ongoing case (Case No. 84PC139) for the Court's exercise of its board appointment, removal, and oversight authority under R.C. Chapter 1545.
 - (c) This Court also has subject matter jurisdiction to issue its November 26, 2014 Judgment Entry Findings of Facts and Conclusions of Law in furtherance of the Court's inherent subject matter jurisdiction to enforce its orders, including Judge Lavrich's 1984 judgment creating the Chester Township Park District, and to present the Township Trustees' contravention of or interference with Judge Lavrich's order.

Conclusion of Law


As a matter of Ohio law and for the factual reasons found above, this Court has subject matter jurisdiction to make the findings of facts and conclusions of law as stated in its November 26, 2014 Judgment Entry and herein, and to issue further orders consistent therewith.

It is well settled Ohio law and the law of this jurisdiction that a grant of jurisdiction implies the necessary and usual powers essential to effectuate the Court's orders. Pergande v. Pergande, 11th Dist. Ct. App. Case No. 90-A-1497 (April 26, 1991), citing and relying upon Hale v. Smith, 55 Ohio St. 210 (1896). Thus, a court has inherent authority to enforce its judgments and orders when such orders are not followed. Id. This Court has that authority with respect to Judge Lavrich's order creating the Park District.

Appellate Judge Cynthia Rice has succinctly recognized the inherent authority of a trial court to enforce its prior orders, stating: "The courts of Ohio have the 'inherent power' to do all things necessary to the administration of justice and to protect their own powers and processes. Omerza v. Bryant & Stratton, 2007-Ohio-5216 (11th Dist. Case No, 2006-L-147) (Judge Rice, dissent).

This Judgment Entry relates back to and supplements this Court's Judgment Entry Findings of Facts and Conclusions of law filed on November 26, 2014.

IT IS SO ORDERED.


TIMOTHY J. GRENDALL - JUDGE

cc: Chester Twp. Trustees
Chester Twp. Park Board
Geauga County Prosecutor

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