# CAPTION: GIPSON V. HAMILTON COUNTY CLERK OF COURTS

**03-08-24**

APPEAL NO.: C-230364

TRIAL NO.: A-2300725

KEY WORDS: CIV.R. 12(B)(6) — NOTICE — EXCEPTION

SUMMARY:

Any potential error arising from the failure of plaintiffs to receive notice of the trial court’s entry granting the defendant’s motion for leave to file a motion to dismiss the complaint for failure to state a claim was harmless where the trial court would have been permitted to sua sponte dismiss the complaint without notice as it is obvious that the plaintiffs cannot prevail on the facts alleged in their complaint.

JUDGMENT: AFFIRMED

JUDGES: OPINION by ZAYAS, J.; BOCK, P.J., and KINSLEY, J., CONCUR.