

incorrectly processed the ticket. Plaintiff does not allege that he would have been entitled to a prize had his ticket been correctly processed.

{¶ 5} To the extent that plaintiff's complaint states a claim for relief against defendant, that claim is clearly barred by the statute of limitations. R.C. 2743.16(A) states in pertinent part:

{¶ 6} "[C]ivil actions against the state permitted by sections 2743.01 to 2743.20 of the Revised Code shall be commenced no later than two years after the date of accrual of the cause of action. ***"

{¶ 7} Plaintiff purchased the lottery ticket in question almost six years prior to filing his complaint. Additionally, according to the affidavit of Constance Miller, of the lottery commission, plaintiff spoke with her about his problem with the ticket in March 2002. Therefore, even if plaintiff was not aware of the alleged error in the processing of his ticket at the time of sale, he was unquestionably aware of it in March 2002. Accordingly, plaintiff's claim accrued no later than March 2002. Plaintiff did not file his complaint in this matter until March 20, 2006.

{¶ 8} Therefore, construing the evidence in plaintiff's favor, there can be no doubt but that plaintiff's complaint was untimely filed and that defendant is entitled to judgment as a matter of law. Defendant's motion for summary judgment is GRANTED and judgment is rendered in favor of defendant. Court costs are assessed against plaintiff. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

J. CRAIG WRIGHT
Judge

Entry cc:

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Plaintiff, Pro se

Case No. 2006-02552

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ENTRY

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