

Court of Claims of Ohio

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614.387.9800 or 1.800.824.8263
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MICHAEL RACCUIA dba MICHREN COMPANY

Plaintiff/Counter Defendant

v.

KENT STATE UNIVERSITY

Defendant/Counter Plaintiff
Case No. 2007-06675

Judge Joseph T. Clark

JUDGMENT ENTRY

{¶ 1} On December 17, 2009, this case was tried to the court on the issue of liability. At the close of plaintiff/counter defendant's, Michael Raccuia dba Michren Company (Raccuia) case, defendant/counter plaintiff, Kent State University (KSU), moved for dismissal of Raccuia's complaint pursuant to Civ.R. 41(B)(2). The court finds that Raccuia failed to produce sufficient evidence to support his claim and that upon the facts and the law Raccuia has shown no right to relief. Accordingly, the court GRANTS KSU's motion.

{¶ 2} In addition, KSU presented no evidence to support its counterclaim. Therefore, the court sua sponte DISMISSES KSU's counterclaim.

{¶ 3} Judgment is hereby rendered in favor of KSU on Raccuia's complaint pursuant to Civ.R. 41(B)(2), and KSU's counterclaim is DISMISSED. Court costs are assessed against Raccuia. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

JOSEPH T. CLARK
Judge

cc:

Kristin S. Boggs
Scott Branam
William C. Becker
Assistant Attorneys General
150 East Gay Street, 18th Floor
Columbus, Ohio 43215-3130

Michael Raccuia
dba Michren Company
3772 Mapleleaf Hill
Akron, Ohio 44333

HTS/cmd
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