

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
www.cco.state.oh.us

DEVORE MCDONALD, et al.

Plaintiffs

v.

CLEVELAND STATE UNIVERSITY

Defendant

Case No. 2009-02987

Judge Clark B. Weaver Sr.

JUDGMENT ENTRY

{¶ 1} This case came before the court on October 14, 2009, for an evidentiary hearing to determine civil immunity issues raised pursuant to R.C. 2743.02(F) and 9.86.

{¶ 2} Upon review of all the evidence submitted and after considering the credibility of the witnesses as well as the arguments of counsel, the court finds that Regina Baker, Vincent Nolasco, Thomas Murawski, Joseph Hunt, and David Buckingham acted within the scope of their employment with defendant at all times and during all interactions regarding plaintiffs that are at issue in this case. Based upon the totality of the evidence presented at the hearing, the court also finds that plaintiffs failed to prove, by a preponderance of the evidence, that the above-listed individuals acted with malicious purpose, in bad faith, or in a wanton or reckless manner toward plaintiffs. Consequently, the above-mentioned individuals are entitled to personal immunity pursuant to R.C. 2743.02(F) and 9.86, and the courts of common pleas do not have jurisdiction over civil actions against them based on the alleged actions in this case.

{¶ 3} On another matter, plaintiffs filed a notice of dismissal of the connected action. Therefore, the court's June 17, 2009 entry staying proceedings is hereby

VACATED, and the case will be set for trial. The portion of the September 21, 2009 entry scheduling a status conference for December 10, 2009, is hereby VACATED.

CLARK B. WEAVER SR.
Judge

cc:

Emily M. Simmons
Eric A. Walker
Assistant Attorneys General
150 East Gay Street, 18th Floor
Columbus, Ohio 43215-3130

Jeffrey D. Lojewski
Rockefeller Bldg., Suite 1425
614 West Superior Avenue
Cleveland, Ohio 44113-9850

SJM/cmd
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