

[Cite as *Toledo Dept. of Finance v. Emery*, 2003-Ohio-2525.]

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
LUCAS COUNTY

City of Toledo, Department
of Finance

Court of Appeals No. L-02-1350

Appellee

Trial Court No. CI-01-3758

v.

Edward Emery

DECISION AND JUDGMENT ENTRY

Appellant

Decided: May 16, 2003

* * * * *

Barbara E. Herring, City of Toledo Law Director, and Adam Loukx, Senior
Attorney, for appellee.

Edward Emery, pro se.

* * * * *

PIETRYKOWSKI, J.

{¶1} This is an appeal from a judgment of the Lucas County Court of Common Pleas that granted the summary judgment motion of plaintiff-appellee, the city of Toledo, Department of Finance, on the counterclaims filed by defendant-appellant, Edward Emery. Appellant's appeal now challenges that judgment through the following assignments of error:

{¶2} "Assignment of Error Number One

{¶3} "The trial court erred [sic] in granting summary judgment to the appellee

(City of Toledo) (Due to genuine issues of material facts left unreviewed by a jury).

{¶4} "Assignment of Error Number Two

{¶5} "The trial court erred [sic] in finding that appellee City of Toledo was immune from liability as a political [sic] subdivision under the Ohio Revised Code Chapter 2744 and that the statute of limitations has run on appellant's counterclaim."

{¶6} These assignments of error raise the same issues that were before the trial court. This court has fully and carefully reviewed the record and the law which is applicable to the facts of this case. We find that the September 12, 2002 opinion and judgment entry of the trial court is an appropriate and lawfully correct discussion of the facts and law involved in this appeal. We therefore adopt the trial court's opinion and judgment entry (see Appendix A) and find appellant's assignments of error not well-taken.

{¶7} On consideration whereof, the court finds that substantial justice has been done the party complaining and the judgment of the Lucas County Court of Common Pleas is affirmed. Court costs of this appeal are assessed to appellant.

JUDGMENT AFFIRMED.

Peter M. Handwork, P.J.

JUDGE

Mark L. Pietrykowski, J.

JUDGE

Judith Ann Lanzinger, J.
CONCUR.

JUDGE