

IN THE COURT OF CLAIMS OF OHIO

EUGENE WRINN, JR.,

Plaintiff,

-vs-

OHIO STATE HIGHWAY
PATROL,

Defendant.

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ORIGINAL

Case No. 2006-05934

Judge J. Craig Wright

2006 OCT 13 PM 3:09

FILED
COURT OF CLAIMS
OF OHIO

ANSWER

Now comes Defendant, Ohio State Highway Patrol, by and through counsel, and for its answer to Plaintiff's Complaint states as follows:

FIRST DEFENSE

1-2. Defendant is without knowledge or information sufficient so as to form a belief to the truth of the allegations contained in paragraphs 1 and 2 of Plaintiff's Complaint and therefore denies same.

3-5. Defendant admits the allegations contained in paragraphs 3, 4, and 5 of Plaintiff's Complaint.

6. In response to paragraph 6 of Plaintiff's Complaint, Defendant submits that R.C. §2743.02 speaks for itself.

7-13. Defendant is without knowledge or information sufficient so as to form a belief to the truth of the allegations contained in paragraphs

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7, 8, 9, 10, 11, 12, and 13 of Plaintiff's Complaint and therefore denies same.

14-18. Defendant denies the allegations contained in paragraphs 14, 15, 16, 17, and 18 of Plaintiff's Complaint.

19-21. Defendant is without knowledge or information sufficient so as to form a belief to the truth of the allegations contained in paragraphs 19, 20, and 21 of Plaintiff's Complaint.

22. Defendant denies the allegations contained in paragraph 22 of Plaintiff's Complaint.

23-24. Defendant is without knowledge or information sufficient so as to form a belief to the truth of the allegations contained in paragraphs 23 and 24 of Plaintiff's Complaint and therefore denies same.

25-26. Defendant denies the allegation contained in paragraphs 25 and 26 of Plaintiff's Complaint.

27-35. Defendant is without knowledge or information sufficient so as to form a belief to the truth of the allegations contained in paragraphs 27, 28, 29, 30, 31, 32, 33, 34, and 35 of Plaintiff's Complaint and therefore denies same.

36. Defendant reasserts its previous answers as if fully rewritten herein.

37-39. Defendant denies the allegations contained in paragraphs 37, 38, and 39 of Plaintiff's Complaint.

40. Defendant reasserts his previous answers as if fully rewritten herein.

41. Defendant denies the allegations contained in paragraph 41 of Plaintiff's Complaint.

42. Defendant is without knowledge or information sufficient so as to form a belief to the truth of the allegations contained in paragraph 42 of Plaintiff's Complaint and therefore denies same.

43-45. Defendant denies the allegations contained in paragraph 43, 44, and 45 of Plaintiff's Complaint.

46. Defendant reasserts its answers as if fully rewritten herein.

47-48. Defendant is without knowledge or information sufficient so as to form a belief to the truth of the allegations contained in paragraphs 47 and 48 of Plaintiff's Complaint and therefore denies same.

49-50. Defendant denies the allegations contained in paragraphs 49 and 50 of Plaintiff's Complaint.

51. Defendant reasserts his previous answers as if fully rewritten herein.

51-52. In responses to the second paragraph 51 and paragraph 52 of Plaintiff's Complaint, Defendant states that the Ohio Revised Code Sections speak for themselves.

SECOND DEFENSE

53. Plaintiff's Complaint fails to state a claim upon which relief can granted.

THIRD DEFENSE

54. The claims against Defendant may be barred, in whole or in part, by the applicable statutes of limitation.

FOURTH DEFENSE

55. The Defendant is immune.

FIFTH DEFENSE

56. Plaintiff's damages, if any, were proximately caused by his own wrongful acts and omissions.

SIXTH DEFENSE

57. Plaintiff's own negligence caused or contributed to the injuries alleged in the Complaint and was greater than the alleged negligent conduct of the Defendant which has been specifically denied and accordingly, Plaintiff is barred from recovery.

SEVENTH DEFENSE

58. The superseding and intervening acts of others over whom Defendant is not responsible, caused or contributed to the injuries in the Complaint and were greater than the alleged negligent conduct of the Defendant which has been specifically denied.

EIGHTH DEFENSE

59. Plaintiff's claims against Defendant officers are barred because said Defendants acted with privilege, in good faith, and used no more force than necessary.

NINTH DEFENSE

60. Defendant specifically denies each and every allegation contained in Plaintiff's Complaint not specifically herein to be true.

TENTH DEFENSE

61. Defendant reserves the right to amend its answer as discovery merits.

WHEREFORE, Defendant respectfully requests that Plaintiff's Complaint be dismissed in its entirety at Plaintiff's costs and that Defendant be entitled to recover its costs expended herein.

Respectfully submitted,

JIM PETRO
Attorney General of Ohio



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COUNSEL FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing Answer was served upon the following counsel of record by ordinary U.S. mail, postage prepaid, this 13~~th~~ day of October, 2006.

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