



FILED
COURT OF CLAIMS
OF OHIO

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

2010 JUN -8 AM 10: 10

EUGENE WRINN, JR.

Plaintiff

v.

OHIO STATE HIGHWAY PATROL

Defendant

Case No. 2006-05934

Judge Alan C. Travis

ENTRY

On April 16, 2010, plaintiff filed a motion pursuant to L.C.C.R. 4.1 for an evidentiary hearing to determine whether Daren Johnson, T.K. Manley, and K.J. Koverman are entitled to civil immunity pursuant to R.C. 2743.02(F) and 9.86. Defendant has not filed a response.

In the motion, plaintiff states that the court's determination of immunity impacts his claims against the individual officers in federal court.

However, "[p]ersonal immunity for state officers and employees under R.C. 9.86 is expressly limited to civil actions arising under the laws of Ohio, so the exclusive, original subject matter jurisdiction afforded the Court of Claims by R.C. 2743.02(F) does not apply to federal claims. Further, courts have uniformly held that violations of Section 1983, Title 42, U.S. Code by state officers and employees cannot be immunized by state law and that a court of common pleas has jurisdiction to hear such claims. * * * Therefore, since personal immunity is inapplicable to these claims, any hearing would be a vain act." *Rose v. Ohio Dept. of Rehabilitation and Correction*, Franklin App. No. 07AP-472, 2007-Ohio-6184. (Internal citations omitted.)

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ENTRY

Accordingly, plaintiff's motion for an evidentiary hearing is DENIED. Any remaining immunity issues shall be discussed at the status conference scheduled for *July 14, 2010, at 1:30 p.m.*



ALAN C. TRAVIS
Judge

cc:

Cary R. Cooper
Sarah K. Skow
900 Adams Street
Toledo, Ohio 43604

Eric A. Walker
James P. Dinsmore
Assistant Attorneys General
150 East Gay Street, 18th Floor
Columbus, Ohio 43215-3130

HTS/cmd

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