



FILED  
COURT OF CLAIMS  
OF OHIO

2011 APR 21 AM 10:00

# Court of Claims of Ohio

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HW  
#13

EUGENE WRINN, JR.

Plaintiff

v.

OHIO STATE HIGHWAY PATROL

Defendant

Case No. 2006-05934

Judge Joseph T. Clark

JUDGMENT ENTRY

On March 29 - April 1, 2011, the court held an evidentiary hearing to determine whether T.K. Manley, Daren Johnson, and K.J. Koverman are entitled to civil immunity pursuant to R.C. 9.86 and 2743.02(F).

After the presentation of plaintiff's evidence, pursuant to Civ.R. 41(B)(2), defendant moved for a dismissal of the claims regarding the matter of civil immunity of T.K. Manley on the ground that, upon the facts and the law, plaintiff has shown no right to relief. Plaintiff did not object to defendant's motion.

Based primarily upon the testimony of plaintiff's expert witness, Donald Van Meter, Ph.D., and in consideration of the totality of the evidence presented, the court finds that T.K. Manley acted within the scope of his employment with defendant and did not act with malicious purpose, in bad faith, or in a wanton or reckless manner toward plaintiff. Therefore, the court finds that T.K. Manley is entitled to immunity pursuant to R.C. 9.86 and 2743.02(F) and that the courts of common pleas do not have jurisdiction over any civil actions that may be filed against him based upon the allegations in this case. Accordingly, defendant's motion is GRANTED as to the civil immunity of T.K. Manley. The claims of immunity with regard to Daren Johnson and K.J. Koverman remain pending for decision.

In addition, at the conclusion of the hearing, the court ORDERED the parties to file proposed findings of fact and conclusions of law on or before *May 20, 2011*. Replies, if any, shall be filed on or before *May 27, 2011*.

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JUDGMENT ENTRY

On another matter, both plaintiff's December 10, 2010 and March 25, 2011 motions pursuant to Civ.R. 32(A)(3)(c) and (A)(3)(b), respectively, for the deposition testimony of Thomas Myers and Brian Meader to be used in lieu of live testimony are GRANTED. Additionally, the parties' March 18, 2011 joint stipulation is APPROVED, and plaintiff's February 22, 2011 motion "to shorten time" is DENIED as moot.

  
\_\_\_\_\_  
JOSEPH T. CLARK  
Judge

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HTS/cmd

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