

IN THE COURT OF CLAIMS OF OHIO

FILED CLAIMS
COURT OF OHIO
2011 AUG 15 PM 3:08

JAMES M. FLEMING,

Plaintiff,

-vs-

KENT STATE UNIVERSITY,

Defendant.

Case No. 2011-09365
(Judge Clark B. Weaver Sr.)

Kent State University's Answer

For its Answer, Kent State University states as follows:

First Defense

1. Paragraphs 2-4, 11-12, 14, 16 and 19 of the Complaint are admitted.
2. Paragraphs 17-18, 20, 22-23, 26-28, 30-31, 33-34 and 36-40 are denied.
3. Paragraphs 1, 6-8, 10, 21 and 24 are denied for lack of knowledge.
4. Paragraphs 29, 32, and 35 require no response.
5. Paragraphs 5, 9 and 13 are admitted insofar as they allege that the quoted language appears in Ex. A to the Complaint and denied insofar as they allege that the University is liable to Mr. Fleming based on that quoted language or on any other provision of the parties' agreement, which speaks for itself.
6. Paragraph 15 is admitted insofar as it alleges that the University has not paid Mr. Fleming the "remaining balance" of his salary and denied insofar as it alleges that the University had any obligation to do so.

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7. Paragraph 25 is denied insofar as it alleges that Mr. Fleming had been “previously terminated.

8. Every allegation contained in the Complaint that has not been admitted, denied or denied for lack of knowledge in Paragraphs 1-7 of this Answer is denied.

Additional Defenses

1. The Complaint fails to state a claim upon which relief may be granted against the University.

2. Mr. Fleming abandoned his position.

3. Every statement made concerning Mr. Fleming was either true or a Constitutionally protected opinion.

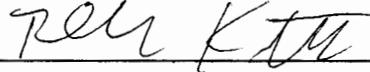
4. Every statement made concerning Mr. Fleming was (a) qualifiedly privileged because it related to his position and was made only to persons with a legitimate business interest in the matter and and/or (b) privileged because it addressed a matter of public interest.

5. The University did not publish any statements that were defamatory concerning Mr. Fleming and it did not publicize any statements that put Mr. Fleming in a false light.

6. One or more of Mr. Fleming’s claims may be barred by the statute of limitations.

Respectfully submitted,

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Certificate of Service

I certify that on August 15, 201, I mailed a copy of this document to:

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