

IN THE COURT OF CLAIMS OF OHIO

FILED CLAIMS  
COURT OF OHIO  
2012 MAY - 8 PM 3: 14

JAMES M. FLEMING,

Plaintiff,

-vs-

KENT STATE UNIVERSITY,

Defendant.

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

Kent State University's  
Pretrial Statement

ORIGINAL

**I. Overview**

Kent State University reassigned James Fleming from a coaching position to a position as an assistant to the Athletic Director at no change in pay, but Mr. Fleming refused to report to work and ultimately abandoned his job. Though this case is bifurcated and damages are not in issue, Mr. Fleming accepted a coaching position at the University of Central Florida some nine months after receiving his final paycheck from Kent State at what Kent State understands to be a higher salary. In this case, Mr. Fleming argues that Kent State breached his contract, defamed him and placed him in a "false light," but Mr. Fleming's only real claim is a contract claim because Kent State published no defamatory statements and no statements that placed him in a false light.

**II. Witnesses**

Kent State expects to call one or more of the following witnesses:

1. Mr. Fleming as on cross-examination

ON COMPUTER

2. Darrell Hazell
3. Laing Kennedy
4. Tom Kleinlein
5. Lester Lefton
6. Joel Neilsen
7. Any witness identified by Mr. Fleming

**III. Exhibits**

Kent State expects to offer one or more of the following exhibits:

1. Mr. Fleming's employment contract
2. Kent State's policies, which the contract incorporates
3. Correspondence concerning Mr. Fleming's reassignment and abandonment
4. All documents exchanged in discovery

Respectfully submitted,

MICHAEL DEWINE  
Ohio Attorney General



RANDALL W. KNUTTI (0022388)

Assistant Attorney General

Principal Attorney

CHRISTOPHER P. CONOMY (0072094)

Assistant Attorney General

Associate Attorney

Court of Claims Defense Section

150 E. Gay Street, 18<sup>th</sup> Floor

Columbus, Ohio 43215

Phone: 614-644-5070

Fax: 866-771-4236

[Randall.Knutti@OhioAttorneyGeneral.gov](mailto:Randall.Knutti@OhioAttorneyGeneral.gov)

[Christopher.Conomy@OhioAttorneyGeneral.gov](mailto:Christopher.Conomy@OhioAttorneyGeneral.gov)

COUNSEL FOR DEFENDANT

**Certificate of Service**

I certify that on May 8, 2012, I mailed a copy of this document to:

John F. Myers  
Holland Myers & Myers  
697 West Market Street, Suite 102  
Akron, Ohio 44303



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RANDALL W. KNUTTI (0022388)  
Assistant Attorney General  
Principal Attorney