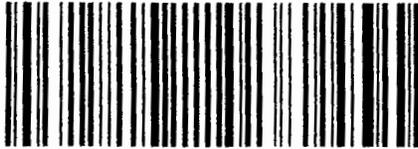


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**27 months to Decision And Judgment For Plaintiff**

Case Number: **C2011-09365 JUDGE PATRICK M. MC GRATH**  
 Caption: **JAMES M. FLEMING V. KENT STATE UNIVERSITY**  
 Magistrate:  
 Staff Attorney: **Gary Peterson**

Filing Date: **07/11/2011**  
 Case Type: **CONTRACTUAL**  
 Designation: **Other Civil**  
 Prayer Amount: **No amount given**

[Hide party and attorney details](#)

<b>JAMES M. FLEMING</b>	<b>PLAINTIFF</b>	<b>John Francis Myers</b>	<b>FIRM</b>
Address	465 Pinehurst Drive, City Fairlawn State & Zip Ohio 44333-	Business Address	697 West Market Street, Suite 102 City Akron State & Zip OH, 44303-0000 Work Phone (330) 535-1202 Work Fax (000) 000-0000 Email hlIndmyers@neo.rr.com

<b>KENT STATE UNIVERSITY</b>	<b>DEFENDANT</b>	<b>Randall William Knutti</b>	<b>ASSISTANT ATTORNEY GENERAL</b>
Address	P.O. Box 5190, City Kent State & Zip Ohio 44242-3281	Business Address	150 East Gay Street, 18th Floor City Columbus State & Zip OH, 43215-3130 Work Phone (614) 644-5070 Work Fax (614) 644-9185 Email Randall.Knutti@OhioAttorneyGeneral.gov

<b>Christopher Paul Conomy</b>	<b>ASSISTANT ATTORNEY GENERAL</b>
Business Address	150 East Gay Street, 18th Floor City Columbus State & Zip OH, 43215-3130 Work Phone (614) 466-7447 Work Fax (614) 644-9185 Email Christopher.Conomy@OhioAttorneyGeneral.gov

**CERTIFICATION**  
 I hereby certify that this page is a true copy of the original.  
 Clerk of the Court of Claims of Ohio,  
 Signature and date on last page

**LIABILITY TRIAL HELD**                      06/04/2012                      Judge Joseph T. Clark                      [Go to Exhibits](#)

	<b>Date</b>	<b>Docket Action</b>	<b>Description</b>
1	07/11/2011	<b><u>COMPLAINT FILED</u></b>	By John F. Myers, attorney for plaintiff James M. Fleming.
2	07/11/2011	<b><u>FILING FEE FOR COMPLAINT PAID</u></b>	By Holland Myers & Myers \$25.00 Check/MO# 2835 Receipt # C44414
3	07/11/2011	<b><u>DESIGNATION FORM</u></b>	No connected action pending; filed by John F. Myers, attorney for plaintiff.
4	07/15/2011	<b><u>ORDER PRESCREENING</u></b>	The court hereby ORDERS that plaintiff's demand for attorney fees be STRICKEN since in the absence of statutory authority attorney fees cannot be awarded by the Court of Claims. Drain v. Kosydar (July 31, 1979), Franklin App. No. 79AP-78. Copy of order sent to John F. Myers; Kent State University; Paula Luna Paoletti, senior deputy attorney general. Official: Clark B. Weaver Sr.
5	07/15/2011	<b><u>SUMMONS ISSUED</u></b>	To defendant Kent State University by certified mail #7002 0860 0006 8253 4757 with pre-screening entry, connected action statement and complaint.
6	07/15/2011	<b><u>RETURN OF F10 SERVICE ON A.G.</u></b>	Pre-screening entry, connected action statement, summons and complaint; receipt filed.
7	07/15/2011	<b><u>SERVICE OF CERTIFIED MAIL</u></b>	Receipt #7002 0860 0006 8253 4757 for service on defendant Kent State University postmarked 07/15/11.
8	07/19/2011	<b><u>RETURN OF CERTIFIED MAIL</u></b>	# 7002 0860 0006 8253 4757 received on 07 18 11 by signature of Craig Laqughry.



- EXTENSION OF TIME** attorney for plaintiff with certificate of service. (GRANTED)
- 26 07/25/2012 PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW** Filed by John F. Myers, attorney for plaintiff with certificate of service.
- 27 07/25/2012 POST TRIAL BRIEF** Filed by Randall W. Knutti and Christopher P. Conomy, assistant attorneys general, attorneys for defendant, with certificate of service.
- 28 08/01/2012 DEFENDANT'S RESPONSE FILED** Reply brief; filed by Randall W. Knutti, assistant attorney general, attorney for defendant with certificate of service.
- 29 08/02/2012 PLAINTIFF RESPONSE** Reply brief; filed by John F. Myers, attorney for plaintiff with certificate of service.
- 30 10/29/2012 LIABILITY DECISION AND JUDGMENT ENTRY** This case was tried to the court on the issue of liability. The court has considered the evidence, and for the reasons set forth in the decision filed concurrently herewith, judgment is rendered in favor of plaintiff on his claim of breach of contract. A case management conference is set for November 9, 2012, at 9:30 a.m., to discuss further proceedings.  
Official: Joseph Clark
- 31 11/01/2012 NOTICE** This case was originally assigned to Judge Joseph T. Clark. This case is assigned to Judge Patrick M. McGrath to conduct all necessary proceedings in this matter.  
Official: Mark Reed
- 32 11/09/2012 CASE MANAGEMENT CONFERENCE**  
Officials: Gary Peterson, Patrick M. McGrath
- 33 11/19/2012 ORDER SCHEDULING** No discovery will be allowed after February 11, 2013, without leave of court. In lieu of trial on the issue of damages, plaintiff shall file his trial brief on or before February 25, 2013. Defendant shall file its trial brief on or before March 11, 2013. Plaintiff shall file his reply, if any, on or before March 18, 2013. A status conference is scheduled for February 11, 2013, at 9:30 a.m., to discuss whether to retain the briefing schedule or set the case for trial on the issue of damages.  
Official: Patrick M. McGrath
- 34 01/28/2013 MOTION** For commission for out of state subpoena duces tecum; filed by Randall W. Knutti, assistant attorney general, attorney for defendant, with certificate of service and proposed entry. (GRANTED)
- 35 02/05/2013 ENTRY JOURNALIZED AND FILED** Defendant's January 28, 2013 motion for commission for out-of-state subpoena to the UCF Athletics Association, Inc. is GRANTED. Copy sent to Randall Knutti and Christopher Conomy, assistant attorneys general; John Myers.  
Official: Patrick M. McGrath
- 36 02/11/2013 STATUS CONFERENCE HELD**  
Officials: Joy O'Donnell, Patrick M. McGrath
- 37 02/19/2013 ENTRY JOURNALIZED AND FILED** No discovery will be allowed after March 11, 2013, without leave of court. In lieu of a trial on the issue of damages, plaintiff shall file his trial brief on or before March 25, 2013. Defendant shall file its trial brief on or before April 11, 2013. Plaintiff shall file his reply, if any, on or before April 18, 2013, at which time the case shall be submitted for decision. Copy sent to Christopher Conomy and Randall Knutti, assistant attorneys general; John Myers.  
Official: Patrick M. McGrath
- 38 03/15/2013 COURTS COPY OF SUBPOENA** Duces tecum return of service on Taisha O'Connor, office assistant for UCF Athletics Association, Inc. by personal service by Angel Roskowski of Investigative Process Service, Inc.; filed Randall W. Knutti, assistant attorney general, attorney for defendant.
- 39 03/22/2013 MOTION FOR EXTENSION OF TIME** Unopposed; To conduct discovery and file briefs; filed by John F. Myers, attorney for plaintiff with certificate of service. (GRANTED)
- 40 04/01/2013 ORDER GRANTING EXTENSION** Plaintiff's March 22, 2013 motion is GRANTED and the court's February 19, 2013 entry is amended as follows. No discovery will be allowed after May 10, 2013, without leave of court. In lieu of trial on the issue of damages, plaintiff shall file his trial brief on or before May 24, 2013. Defendant shall file its trial brief on or before June 7, 2013. Plaintiff shall file his reply, if any, on or before June 14, 2013, at which time the case shall be submitted for decision. Copy sent to Christopher

- Conomy and Randall Knutti, assistant attorneys general; John Myers.  
Official: Patrick M. McGrath
- 41 06/05/2013 MOTION FOR EXTENSION OF TIME To conduct discovery and file briefs; filed by John F. Myers, attorney for plaintiff, with certificate of service. (GRANTED)
  - 42 06/17/2013 ORDER GRANTING EXTENSION Plaintiff's June 5, 2013 motion is GRANTED as follows: No discovery will be allowed after June 28, 2013, without leave of court. In lieu of a trial on the issue of damages, plaintiff shall file his trial brief on or before July 12, 2013. Defendant shall file its trial brief on or before July 26, 2013. Plaintiff shall file his reply, if any, on or before August 2, 2013, at which time the case shall be submitted for decision. Copy sent to Christopher Conomy and Randall Knutti, assistant attorneys general; John Myers.  
Official: Patrick M. McGrath
  - 43 07/12/2013 BRIEF Document #2 Document #3 Document #4 Document #5 Trial brief; filed by John F. Myers, attorney for plaintiff, with certificate of service.
  - 44 07/26/2013 POST TRIAL BRIEF filed by Randall W. Knutti, assistant attorney general, counsel for defendant with certificate of service.
  - 45 08/02/2013 PLAINTIFF RESPONSE Reply brief; filed by John F. Myers, attorney for plaintiff, with certificate of service.
  - 46 10/04/2013 DECISION AND JUDGMENT FOR PLAINTIFF The court has considered the evidence and, for the reasons set forth in the decision filed concurrently herewith, judgment is rendered in favor of plaintiff in the amount of \$25, representing the filing fee paid by plaintiff. Court costs are assessed against defendant. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal. Copy sent to Christopher Conomy and Randall Knutti, assistant attorneys general; John Myers.  
Official: Patrick M. McGrath
  - 47 11/04/2013 NOTICE OF APPEAL Filed by John F. Myers, attorney for plaintiff with certificate of service.
  - 48 11/04/2013 COURT OF APPEALS DOCKETING STATEMENT Filed by John F. Myers, attorney for plaintiff.
  - 49 11/04/2013 MOTION REQUESTING TRANSCRIPT OF PROCEEDINGS Filed by John F. Myers, attorney for plaintiff with certificate of service. (GRANTED)
  - 50 11/04/2013 NOTICE OF APPEAL FILING FEE PAID Received from: John F. Myers Co., LPA \$25.00 Check/MO# 156 Receipt # C47139
  - 51 11/05/2013 ORDER FOR TRANSCRIPT It is ordered that the transcript shall be filed with the clerk of this court on or before December 9, 2013. Copy sent to Christopher P. Conomy and Randall W. Knutti, assistant attorneys general, John F. Myers. Information copy sent to Professional Reporters, Inc.  
Officials: Dale A. Crawford, Patrick M. McGrath
  - 52 11/05/2013 RETURN OF F10 SERVICE ON A.G. notice of appeal with 10/29/12 decision and 10/04/13 decision/judgment entry, docketing statement, receipt for Court of Claims filing fee, motion for transcript and 11/5/13 entry for transcript.
  - 53 11/05/2013 COPY OF NOTICE OF APPEAL ISSUED TO COURT OF APPEAL To 10th District Court of Appeals, notice of appeal with 10/29/12 decision and 10/04/13 decision/judgment entry, docketing statement, receipt for Court of Claims filing fee, motion for transcript, 11/5/13 entry for transcript and certified copy of appearance docket; sent by certified mail #7001 0320 0002 578 419.

Display exhibits only

Exhibits (Back to top of page)

Submitting Party: DEFENDANT

Exhibit	Hearing Type	Date	Disposition	Description
<u>A</u>	Liability Trial	06/04/2012	Admitted	Employment contracts part 1
<u>B</u>	Liability Trial	06/04/2012	Admitted	Employment contracts part 2

CERTIFICATION  
 I hereby certify that this page is a true copy of the original.  
 Clerk of the Court of Claims of Ohio  
 Signature and date on last page  
 11/5/2013

E Liability Trial 06/04/2012 Admitted Posting summary assistant football coach  
F Liability Trial 06/04/2012 Admitted Job description assistant to athletic director

**Submitting Party: PLAINTIFF**

Exhibit	Hearing Type	Date	Disposition	Description
<u>a</u>	Liability Trial	06/04/2012	Admitted	James Fleming resume
<u>c</u>	Liability Trial	06/04/2012	Admitted	Fleiming- KSU employment contract
<u>d</u>	Liability Trial	06/04/2012	Admitted	January 21, 2011 correspondence from Thomas Kleinlein to James Fleming
<u>e</u>	Liability Trial	06/04/2012	Admitted	February 18, 2011 correspondence from Joel Neilsen to James Fleming
<u>f</u>	Liability Trial	06/04/2012	Admitted	March 7, 2011 correspondence from Lester Lefton to James Fleming
<u>g</u>	Liability Trial	06/04/2012	Admitted	February 17, 2011 cancellation of vehicles salary reduction vehicle use salary reduction authorization
<u>k</u>	Liability Trial	06/04/2012	Admitted	March 1, 2010 terms and conditions of employment

**CERTIFICATION**  
 I hereby certify that this page is a true and correct copy of the original.  
 Clerk of the Court of Claims of Ohio  
 By: *Ant Carlick*  
 ASSISTANT CLERK  
 Date: 11-5-13