

**ORIGINAL**

FILED  
COURT OF CLAIMS  
OF OHIO

IN THE COURT OF CLAIMS OF OHIO

DAVID BENTKOWSKI,

Plaintiff,

vs.

OHIO LOTTERY COMMISSION

Defendant.

Case No. 2014-00651

2014 AUG 22 PM 3: 30

JUDGE PATRICK M.  
McGRATH

ANSWER OF THE OHIO LOTTERY COMMISSION

For its Answer to Mr. Bentkowski's Complaint, the Ohio Lottery Commission states as follows:

First Defense

1. The Lottery admits the allegations in Paragraphs 1-5, 7, 45 and 59 of the Complaint.
2. The Lottery denies the allegations in Paragraphs 10, 11, 15, 16, 42, 47, 48, 52-56, 58 and 60-63 of the Complaint.
3. The Lottery denies the allegations in Paragraphs 8, 9, 12-14, 17-36, 38, 43 and 44 of the Complaint for lack of knowledge.
4. The allegations in Paragraphs 49 and 57 of the Complaint require no response.
5. The first sentence in Paragraph 6 of the Complaint is admitted and the remainder of Paragraph 6 is denied for lack of knowledge.
6. The first sentence in Paragraph 37 of the Complaint is admitted and the remainder of Paragraph 37 is denied.

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7. Paragraphs 39-41 of the Complaint refer to writings, which speak for themselves, and, as such those paragraphs are denied to the extent that they are inconsistent with the writings as a whole.

8. Paragraph 46 of the Complaint is admitted insofar as it alleges that Mr. Bentkowski was terminated for poor performance and escorted out of the building. The remainder of Paragraph 46 is denied for lack of knowledge.

9. Paragraphs 50-51 of the Complaint refer to case law but offer no citations or context for that case law, and, as such those paragraphs are denied for lack of knowledge.

10. Every allegation that is not addressed in the preceding paragraphs of this Answer is denied.

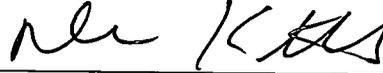
#### **Additional Defenses**

1. The Complaint fails to state a claim on which Mr. Bentkowski can prevail.
2. Count One and Count Two of the Complaint are disguised whistleblower claims over which this Court lacks jurisdiction.
3. One or both of Mr. Bentkowski's claims may be barred by the applicable statute of limitations.

WHEREFORE, the Ohio Lottery Commission respectfully requests that the Complaint be dismissed in its entirety at Mr. Bentkowski's cost and that it be entitled to recover its costs in defending this case.

Respectfully Submitted,

MICHAEL DEWINE  
Ohio Attorney General



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COUNSEL FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that I sent this document by regular United States mail, postage prepaid, on  
August 22 2014 to:

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