



Court of Claims of Ohio

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614.387.9800 or 1.800.824.8263
www.cco.state.oh.us

TRANSAMERICA BUILDING
COMPANY, INC.

Plaintiff/Counter Defendant

v.

OHIO SCHOOL FACILITIES
COMMISSION, etc.

Defendant/Counter
Plaintiff/Third-Party
Plaintiff/Counter Defendant

v.

LEND LEASE (US) CONSTRUCTION,
INC.

Third-Party Defendant/Counter
Plaintiff/Fourth-Party Plaintiff

and

STEED HAMMOND PAUL INC., etc.

Third-Party
Defendant/Fourth-Party Plaintiff

v.

BERARDI PARTNERS, INC., et al.

Fourth-Party Defendants

Case No. 2013-00349

Judge Patrick M. McGrath
Referee Samuel Wampler

ENTRY

FILED
COURT OF OHIO
2015 JUN 12 PM 1:25

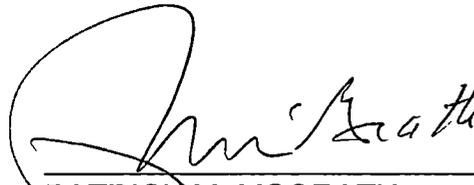
On May 27, 2015, defendant/counter plaintiff, Ohio School Facilities Commission (OSFC), filed a motion to set aside the May 18, 2015 entry denying the state's civil

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rule 54(B) motion, pursuant to Civ.R. 53(D)(2)(b). On May 28, 2015, plaintiff/counter defendant, TransAmerica Building Company, Inc. (TA), filed a response.

TA argues, and the court agrees, that Civ.R. 53(D)(2)(b) only pertains to setting aside the order of a magistrate and does not authorize a motion to set aside a judge's entry. Even if such a motion was authorized it is the court's opinion that the May 18, 2015 entry was correct in its analysis of the issues and application of the law.

Therefore, upon careful consideration, defendant/counter plaintiff's motion is DENIED.



PATRICK M. MCGRATH
Judge

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