

judges of the court and also shall be paid their expenses. If a single referee is appointed or a panel of three referees is appointed, then, with respect to one referee of the panel, the compensation and expenses of the referee shall not be taxed as part of the costs in the case but shall be included in the budget of the court. If a panel of three referees is appointed, the compensation and expenses of the two remaining referees shall be taxed as costs of the case.

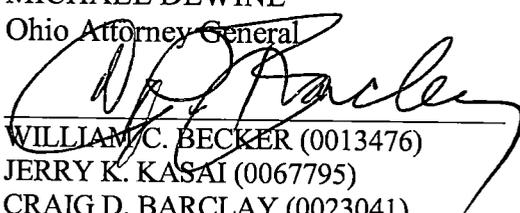
A trial was held and the Referee appointed pursuant to the above statute has issued his report and recommendation. His work is now done.

Since the Referee issued his recommendation, the Plaintiff has filed a Motion for Pre-Judgment Interest and also that the final judgment in this case be immediately appealable. Both of these Motions exceed the limited statutory authority of the Referee. Accordingly, they are not matters for the Referee but rather are matters for the Trial Judge to decide.

Both the application of pre-judgment interest and the determination of whether a judgment is final and appealable are matters of statutory interpretation beyond the limited authority of the Referee in this case to make a recommendation regarding Plaintiff's construction claim. Accordingly, the State of Ohio hereby moves that these matters be heard by a Trial Judge of the Court of Claims.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing *State of Ohio's Motion to Have Pre-Judgment Interest and the Appealability of a Final Judgment in this case determined by a Judge* was served upon via electronic and regular U.S. Mail, postage pre-paid, this 27th day of October, 2015 upon the following:

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