

IN THE OHIO COURT OF CLAIMS

FILED  
COURT OF CLAIMS  
OF OHIO

JACK DEMPSEY

Plaintiff

v.

STATE OF OHIO

Defendant

Case No. 2015-00909-WI 2015 NOV 19 PM 3:28

Judge Patrick M. McGrath

ANSWER

**ORIGINAL**

For its answer to the allegations of the Complaint, filed October 22, 2015, Defendant the State of Ohio states as follows:

1-8. Paragraphs 1, 2, 3, 4, 5, 6, 7, and 8 are denied for lack of knowledge.

9. Paragraph 9 states legal conclusions rather than factual allegations and thus requires no response. However, if this Court determines that a response is required, paragraph 10 is denied for lack of knowledge.

10. Paragraph 10 states legal conclusions rather than factual allegations and thus requires no response. However, if this Court determines that a response is required, paragraph 11 is admitted insofar as it alleges that Plaintiff has attached to the Complaint, what appears to be, a copy of an Opinion and Order from Cuyahoga County Common Pleas Case No. CV-13-800111, dated June 30, 2015, wherein Judge Deena R. Calabrese states that Plaintiff "satisfies all the elements of R.C. 2743.48(A) and was a wrongfully imprisoned individual." Defendant admits that the Opinion and Order speaks for itself and, as such, denies any inconsistent allegations. Any remaining allegations of Paragraph 10 are denied for lack of knowledge.

11-12. Paragraphs 11 and 12 are denied for lack of knowledge.

13. In further response to the allegations set forth in the Complaint, upon information and belief, the State of Ohio may appeal the wrongful imprisonment declaration as the judgment

only recently became a final, appealable order when the State of Ohio's motion for a new trial was denied on October 5, 2015.

14. Every allegation contained in the Complaint that is not specifically admitted, denied or denied for lack of knowledge is denied.

Respectfully submitted,

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**COUNSEL FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

On November 19<sup>th</sup>, 2015, we sent an electronic copy of this document via email to

Plaintiff's Counsel:

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