

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

Mark Anthony Hill,	:	
	:	
Plaintiff-Appellant,	:	
	:	
v.	:	No. 11AP-472
	:	(C.P.C. No. 10CVC-03-3552)
Karin Stumbo et al.,	:	
	:	(REGULAR CALENDAR)
Defendants-Appellees.	:	

D E C I S I O N

Rendered on January 10, 2012

Mark Anthony Hill, pro se.

J. Greg Tipton, for appellee.

APPEAL from the Franklin County Court of Common Pleas

TYACK, J.

{¶1} Mark Anthony Hill is appealing from the dismissal of a lawsuit he filed against persons affiliated with Brew-Stirs Clintonville Tavern. He assigns a single error for our consideration:

Appellant was denied the freedom to access the courts to redress injuries, pursuant to Article 1, Section 16 of the Ohio Constitution and the First and Fourteenth Amendments to the U.S. Constitution, by the trial courts' abuse of discretion when it improperly applied a statute of limitations into appellant's civil action, biasedly and prejudicially dismissing the claims for relief sought therein, effectively depriving appellant of equal protection of the laws, pursuant to the Ninth and Fourteenth Amendments to the U.S. Constitution and Article 1, Section 2 of the Ohio Constitution.

{¶2} On March 8, 2010, Hill filed a civil suit against a bartender at Brew-Stirs Clintonville Tavern and against the owner/proprietor of the tavern on a theory that the bartender should have warned him that he was upsetting the boyfriend of a young woman whom he was getting to know better at the tavern. His encounter with the young woman and her boyfriend led to a fight. As a result of the fight, Hill was convicted of felonious assault. He was sent to prison for eight years where he currently resides.

{¶3} Hill went to Brew-Stirs Clintonville Tavern on March 4, 2008. Apparently the failure to warn him, which is fundamental to his theory of negligence, occurred on March 4 and 5, 2008. Thus, he had until March 5, 2010 to file any lawsuit alleging negligence on the part of persons affiliated with the tavern. When he filed his lawsuit, the statute of limitations had run.

{¶4} The trial judge assigned to the case ordered the lawsuit dismissed because it was not filed in time. See R.C. 2305.10 for the applicable statute of limitations of two years.

{¶5} The flowery language of Hill's assignment of error does not change the simple fact that he filed his lawsuit three days too late. The trial judge was correct to order dismissal of the lawsuit.

{¶6} The sole assignment of error is overruled. The judgment of the trial court is affirmed.

Judgment affirmed.

BROWN, P.J., and DORRIAN, J., concur.
