

[Cite as *Edwards v. Cuyahoga*, 2001-Ohio-1864.]

IN THE COURT OF CLAIMS OF OHIO

RISE EDWARDS, et al. :

Plaintiffs : CASE NO. 2001-10255

v. : ENTRY OF DISMISSAL AND

COUNTY OF CUYAHOGA : RETURNING THE ORIGINAL PAPERS

Defendant :

: : : : : : : : : : : : : : : :

On August 6, 2001, the Cuyahoga County Court of Common Pleas transferred original papers to this court in the above-captioned case.

R.C. 2743.03 (E) (1) states:

A party who files a counterclaim against the state or makes the state a third-party defendant in an action commenced in any court, other than the court of claims, shall file a petition for removal in the court of claims. The petition shall state the basis for removal, be accompanied by a copy of all process, pleadings, and other papers served upon the petitioner, and shall be signed in accordance with Civil Rule 11. A petition for removal based on a counterclaim shall be filed within twenty-eight days after service of the counterclaim of the petitioner. A petition for removal based on third-party practice shall be filed within twenty-eight days after the filing of the third-party complaint of the petitioner.

Upon review, the court finds that a petition for removal has not been filed in this case. Furthermore, the State of Ohio is not a party to this action, and therefore, the court lacks subject matter jurisdiction. R.C. 2743.02(E). Accordingly, the case is hereby DISMISSED. The court shall absorb the costs

associated with this case. The clerk is directed to return the original papers to the Cuyahoga County Court of Common Pleas.

JUDGE

Entry cc:

Jeffrey H. Friedman
Stephen S. Vanek
Sixth Floor - Standard Building
1370 Ontario Street
Cleveland, Ohio 44113

Attorneys for Plaintiffs

Christopher J. Russ
Assistant Prosecuting Attorney
The Justice Center, Courts Tower
8th Floor
1200 Ontario Street
Cleveland, Ohio 44113

Attorney for Defendant

KWP/cmd
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