

[Cite as *McCrary v. Ohio Dept. of Human Serv.*, 2002-Ohio-1704.]

IN THE COURT OF CLAIMS OF OHIO

LESTER T. McCRARY

:

Plaintiff :

CASE NO. 2000-10383

v.

:

JUDGMENT ENTRY

DEPARTMENT OF HUMAN SERVICES :

Judge Russell Leach

Defendant :

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

{¶1} On February 13, 2002, defendant filed a motion to enforce the settlement agreement entered in this case. The filing of the motion was acknowledged during the court's February 13, 2002, status conference. At the time, the court advised plaintiff that he would have fourteen days within which to file a response. The court also advised that, upon receipt of plaintiff's response, the court would render a decision on defendant's motion but that, in the interim, the instant case and Case No. 2000-03379 would be forwarded to the assignment commissioner to be set for trial. On February 22, 2002, plaintiff filed his response to defendant's February 13, 2002, motion to enforce the parties' settlement agreement. On February 22, 2002, plaintiff also filed a "motion for trail." [sic] On February 25, 2002, plaintiff filed a "supplemental motion for trail." [sic]

{¶2} Upon review, the court finds defendant's motion to enforce the settlement agreement to be well-taken. The agreement was made on October 22, 2001, the date this case was called for trial. The agreement was discussed in open court and was entered upon the record. The agreement was also noted in the court's October 29, 2001, entry. The parties' agreement provided that, in exchange for \$3,500, plaintiff would dismiss not only this case but every other case he had pending against defendant. Accordingly, defendant's

motion to enforce the settlement agreement is hereby GRANTED. Pursuant to the terms of the agreement, judgment is rendered in favor of plaintiff in the amount of \$3,525, which includes the filing fee paid by plaintiff. Court costs are assessed against defendant. The clerk shall serve upon all parties notice of this entry and its date of entry upon the journal.

{¶3} Plaintiff's February 22 and 25, 2002, motions requesting that this case be set for trial are OVERRULED as moot. The clerk is directed to accept no further filings in this matter.

RUSSELL LEACH  
Judge

Entry cc:

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