

date of accrual of the cause of action or within any shorter period that is applicable to similar suits between private parties." According to the allegations of plaintiff's complaint, plaintiff's claims accrued no later than May 14, 1998. Thus, plaintiff was required to file his complaint on or before May 14, 2000, at the latest. See R.C. 2305.11 and 2305.11.1. Plaintiff's complaint in this case was not filed until May 13, 2002. Plaintiff's own complaint leaves no doubt that his claim is untimely filed.

{¶3} The court further finds that even if plaintiff's complaint had been timely filed, his claims are barred by the doctrine of res judicata. Under the doctrine of res judicata, "[a] valid, final judgment rendered upon the merits bars all subsequent actions based on any claim arising out of the transaction or occurrence that was the subject matter of the previous action." *Grava v. Parkman Township* (1995), 73 Ohio St.3d 379, 382. Indeed, res judicata "operates to bar further litigation of issues that a party previously raised or could have been raised ***." *State v. Houston* 73 Ohio St.3d 346, 347, 1995-Ohio-317.

{¶4} The court finds that plaintiff's claims in the present case arise from the same transaction or occurrence as did two actions plaintiff previously filed with this court, and could have been raised in said actions. (See Case Nos. 99-13894 and 02-

01357.) Each of the prior complaints was dismissed with prejudice by this court. A dismissal with prejudice is treated as an adjudication on the merits. *Chadwick v. Barbae Lou, Inc.* (1982) 69 Ohio St.2d 222, 226. Accordingly, plaintiff's claims are barred by the doctrine of res judicata.

{¶5} Defendant's motion to dismiss is GRANTED and plaintiff's case is hereby DISMISSED. Court costs are assessed against plaintiff. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

JUDGE

Entry cc:

Max Lachman
87 Juergens Avenue
Cincinnati, Ohio 45220

Pro se

Eric A. Walker
65 East State St., 16th Fl.
Columbus, Ohio 43215

Assistant Attorney General

JV/LP/cmd
Filed 7-10-2002
Jr. Vol. 711, Pgs. 11-13
To S.C. reporter 8-12-2002