

[Cite as *McKay & Kraft Tree Service v. Dept. of Transp.*, 2002-Ohio-6420.]

IN THE COURT OF CLAIMS OF OHIO

MCKAY & KRAFT TREE SERVICE,	:	
et al.	:	
13881 Foundryhill Rd.-P.O. 413	:	Case No. 2002-08025-AD
Hanoverton, Ohio 44423	:	
	:	
Plaintiff	:	ORDER DISMISSING
	:	PLAINTIFF'S CASE
v.	:	
	:	
OHIO DEPARTMENT OF	:	
TRANSPORTATION	:	
	:	
Defendant	:	

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

{¶1} THE COURT FINDS THAT:

{¶2} On September 3, 2002, plaintiff, McKay & Kraft Tree Service, filed a complaint against defendant, Department of Transportation;

{¶3} On September 19, 2002, this court issued an order (Jr. Vol. 719, Pgs. 137-138) requiring plaintiff to retain an attorney to represent the corporate entity or face dismissal of this case;

{¶4} On October 15, 2002, plaintiff filed an amended complaint seeking to name Richard E. McKay as plaintiff and not the corporate entity. However, a review of the attachments to the amended complaint reveals all the expenses were incurred by the corporation.

{¶5} A check of the docket reveals plaintiff has not retained an attorney to represent the corporate entity.

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{¶6} IT IS ORDERED THAT:

{¶7} Plaintiff's amended complaint is considered a motion to amend his complaint and is DENIED;

{¶8} Plaintiff's case is dismissed without prejudice;

{¶9} The court shall absorb the court costs of this case.

DANIEL R. BORCHERT
Deputy Clerk

DRB/laa
11/4
Filed 11/13/02
Jr. Vol. 725, Pgs. 22-23
Sent to S.C. reporter 11/25/02