

**IN THE
SUPREME COURT OF OHIO**

STATE ex rel. CORNELIUS J. CLEMONS

1280 Norton Avenue Unit # 304

Columbus, Ohio 43212

Relator,

VS.

OHIO BUREAU OF WORKERS' COMPENSATION

30 West Spring Street

Columbus, Ohio 43215

Respondent,

Case no. 2021-1537

ORIGINAL ACTION IN MANDAMUS

**AFFIDAVIT OF CORNELIUS J. CLEMONS IN SUPPORT OF AMENDED COMPLAINT
PURSUANT TO S. CT. PRAC. R. 12.02(B)**

STATE OF OHIO

)

)

SS.

COUNTY OF FRANKLIN

)

Affiant, Cornelius J. Clemons, being first duly sworn according to law, depose and state as follows:

1. My name is Cornelius James Clemons, and this affidavit is based on my personal knowledge of the matters set forth herein, and I am competent to testify to same; I am at least eighteen years of age; and I am the Relator in this action.

2. I have read the foregoing AMENDED COMPLAINT IN MANDAMUS, and the factual statements, averments, and declarations in the AMENDED COMPLAINT IN MANDAMUS, and VERIFIED PETITION FOR WRIT OF MANDAMUS are true and correct, based upon my personal knowledge and review of my personal records.

3. I Cornelius J. Clemons hereby restate by reference all the paragraphs in my Amended Complaint in Mandamus or Verified Petition for Writ of Mandamus as fully stated herein.

4. The attached Exhibits are true and accurate copies of official documents retrieved from the Ohio Bureau of Workers' Compensation website; true or accurate copy of Quid Pro Quo legislation Ohio Constitution Section 35 of Article II; true or accurate copies of Relator's Medical Records; true or accurate representation of Laws from <https://codes.ohio.gov/>; true and accurate copies of Cornelius J. Clemons Identity; and a true and accurate Payroll Authorization Form with Account and Routing numbers ending in 2328 and 9408 respectfully.

5. In the latter part of year 2010, I was a Workmen employed with Kenco Logistic Services LLC (hereinafter Kenco) as an operator of a several ton industrial vehicle called a Clamp-lift; with the duties of moving appliances for storage and distribution.

6. In the latter part of year 2010, in the course of my employment with Kenco; a fellow employee, while performing his employment duties and operating a similar industrial vehicle as myself; accidentally collided with me causing a T-bone collision; while operating an industrial vehicle in the course of his employment with Kenco.

7. In consequence of the fore-stated accident, an application for workers' compensation was filed on my behalf with Ohio Bureau of Workers' Compensation, as in relation to said accident; as in accordance with Section 4123.511., of the Ohio Revised Code.

8. A true representation of the stated Application for Workers' Compensation of Cornelius J. Clemons is in attached Exhibit D.

9. Employer Kenco, as a self-insuring employer, certified my claim for workers' compensation with the Ohio Bureau of Workers' Compensation, as in accordance with the requirement of said self-insuring employer Kenco, as is required pursuant Section 4123.511., of the Ohio Revised Code.

10. A true representation of the Certification of Claim by self-insuring employer Kenco is in attached Exhibit D.

11. Said certified claim has a claim number ending in 8586.

12. On November 26, 2010, the Ohio Bureau of Workers' Compensation, with the advise and consent of its Board of Directors, allowed my claim for workers' compensation, as in accordance with Section 4123.511., of the Ohio Revised Code, and said Allowance was accepted without appeal; thereby, having Kenco assume liability to individually pay compensation unto me in the amount of \$7.5 Million; and granting me all right as a claimant to receive payment of compensation therefrom the Self-insuring Employers' Guaranty Fund, in order to cover the default in payment of Kenco, as in accordance with Ohio Constitution Section 35 of Article II., and Sections 4123.74., 4123.35., 4123.351., and 4123.511 of the Ohio Revised Code.

13. A true representation of the stated Allowance of Claim as performed by the Ohio Bureau of Workers' Compensation is in attached Exhibit D.

14. Kenco is in default of individually paying unto to me the compensation in the amount certain of \$7.5 Million.

15. I claim that the Respondent in this Action owes unto me the payment of compensation in the indisputable amount certain of \$7.5 Million, therefrom the self-insuring guaranty fund, in order to cover the default in payment of Kenco, as in accordance with fulfillment of the obligation of quid pro quo legislation Ohio Constitution Section 35 of Article II; and Section 4123.351 (A) and (D)(1)., of the Ohio Revised Code.

16. Due to Respondent having not performed their public duty in disbursing payment of compensation unto me in the indisputable amount certain of \$7.5 Million, therefrom the self-insuring guaranty fund, in order to cover the default in payment of Kenco; as such is required by Ohio Constitution Section 35 of Article II; and Section by 4123.351., of the Ohio Revised Code; the Respondent is presently depriving me of my inalienable rights of acquiring, possessing, and protecting property; and also deprives me of my civil liberties; and thus also deprives me of the numerous rights I

should have in pursuance of Ohio Constitution Sections 1, 2, 6, 16, 18 of Article I; thereby, having me suffer harm in my goods, person, or reputation.

17. I Cornelius J. Clemons seek expedited and immediate adjudication of this instant action, pursuant restoration of my inalienable rights, and having remedy by due process of law, with justice administered without denial or delay in pursuance of Ohio Constitution Section 16 of Article I, as in accordance with redress of violation or deprivation of my rights held in pursuance of Ohio Constitution Sections 1, 2, 6, 16, and 18 of Article I.

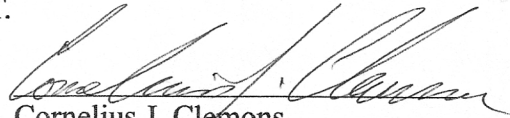
18. I Cornelius J. Clemons, in the name of the State of Ohio, as State ex rel. Cornelius J. Clemons in this original action in Mandamus, hereby Verified Petition for Writ of Mandamus, respectfully requests of this Honorable Court to immediately and expeditiously, make issuance of Writ of Mandamus, by the complete court, in Alternative form, and then after Respondent's answer to Complaint, in Peremptory form; as pursuant Cornelius J. Clemons acquiring, possessing, and protecting the compensation due and owing Cornelius J. Clemons pursuant the obligation of payment of compensation under contract of Quid Pro Quo legislation Ohio Constitution Section 35 of Article II., and the due course of law of Sections {4123.311(A)(1) and (A)(2)}., {4123.351(A) & (D)(1)}., {4121.121(B), (B)(1), and (B)(2)}., of the Ohio Revised Code; ordering the Ohio Bureau of Workers' Compensation, to wit:

(1) Disburse payment of compensation in amount certain \$7.5 Million, therefrom the self-insuring employers' guaranty fund, unto Cornelius J. Clemons; in order to cover the default in payment of Kenco Logistic Services LLC; and

(2) Disburse said payment of compensation through utilization of direct deposit for the transfer of electronic funds, or warrant unto the treasurer of the state; as such being credited unto Cornelius J. Clemons' Account, as such written authorization designating a financial institution and an account

number is provided by Cornelius J. Clemons in this Petition's attached Exhibit F, as Account and Routing numbers ending in 2328 and 9408 respectfully.

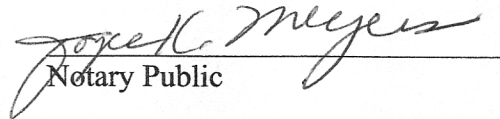
FURTHER AFFIANT SAYETH NAUGHT.


Cornelius J. Clemons

Sworn to me and subscribed in my presence this 24TH day of January, 2022.



Joyce K. Meyers
Notary Public, State of Ohio
My Commission Expires 04-10-2024


Notary Public