

IN THE COURT OF CLAIMS OF OHIO

JOHN PAUL MILLER, JR.

Requester

v.

EAST HOLMES SCHOOL DISTRICT

Respondent

Case No: 2025-00088PQ

Judge Lisa L. Sadler

JUDGMENT ENTRY

{¶1} The special master has issued a recommendation to dismiss this public-records case. He recommends dismissal because requester has failed to obey court orders and because the complaint fails to state a claim.

{¶2} A requester's failure to comply with court orders requiring clarification of his complaint is an appropriate basis for a R.C. 2743.75(D)(2) dismissal. *Kirk v. Coshocton Cty. Sheriff's Office*, 2019-Ohio-1825, adopted 2019-Ohio-2628 (Ct. of Cl). Dismissal is also appropriate if the complaint fails to state a claim upon which relief can be granted. *Thompson v. Cuyahoga Cty. Sheriff's Dept.*, 2018-Ohio-1577, ¶ 11 (Ct. of Cl.); *Paramount Advantage v. Ohio Dept. of Medicaid*, 2021-Ohio-4180, ¶ 27 (Ct. of Cl.). Requester failed to comply with the special master's orders that he file and serve an affidavit identifying the relief he seeks. Further, the complaint failed to state a claim because it did not indicate which of requester's multiple records requests he sought to enforce. *Schaffer v. Ohio State Univ.*, 2024-Ohio-2185, ¶¶ 58-65, adopted 2024-Ohio-2625 (Ct. of Cl.); *Myers v. Paint Twp.*, 2024-Ohio-4784, ¶ 5, adopted October 21, 2024 (Ct. of Cl. Case No. 2024-00426PQ).

{¶3} Pursuant to R.C. 2743.75(D)(2), "[n]otwithstanding any provision to the contrary in [R.C. 2743.75], upon the recommendation of the special master, the court of claims on its own motion may dismiss the complaint at any time." Upon review, the court finds that the special master's recommendation for dismissal is well taken. Accordingly, pursuant to R.C. 2743.75(D)(2), upon the special master's recommendation, the court

sua sponte dismisses the complaint in this case with prejudice. Court costs are assessed against requester. The Clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

LISA L. SADLER
Judge

Filed April 22, 2025
Sent to S.C. Reporter 5/8/25