

[Cite as *Bell v. Mgt. & Training Corp.*, 2002-Ohio-3532.]

IN THE COURT OF CLAIMS OF OHIO

ANDREA M. BELL, et al. :
 :
 Plaintiffs : CASE NO. 2002-04160
 :
 v. : ENTRY OF DISMISSAL
 :
 MANAGEMENT & TRAINING :
 CORPORATION :
 :
 Defendant :
 : ::::::::::::::

{¶1} On April 22, 2002, plaintiffs filed a complaint against defendant alleging claims for unemployment discrimination and constitutional violations. On May 17, 2002, defendant filed a “notice of filing of removal” under 28 U.S.C. § 1446(d) and an “amended notice of filing of removal” on May 19, 2002. Plaintiffs have not filed a response.

{¶2} R.C. 2743.02(E) provides in relevant part: “The only defendant in original actions in the court of claims is the state.” R.C. 2743.01 defines the “state” as follows: “‘State’ means the state of Ohio, including, but not limited to, the general assembly, the supreme court, the offices of all elected state officers, and all departments, boards, offices, commissions, agencies, institutions, and other instrumentalities of the state of Ohio.”

{¶3} Defendant identified in plaintiffs’ complaint, Management & Training Corporation, is not a department, board, office, commission, agency, institution, or other instrumentality of the state of Ohio. Consequently, under R.C. 2743.02(E), this court does not have subject matter jurisdiction over plaintiffs’ claim against the named defendant. *Graham v. Ohio Bd. Of Bar Examiners* (1994), 98 Ohio App.3d 620, 623.

{¶4} Civ.R. 12(H)(3) provides: “Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, *the court shall dismiss*

the action." (Emphasis added.) Therefore, plaintiffs' complaint is sua sponte DISMISSED. Furthermore, because the court never obtained jurisdiction over plaintiffs' complaint, defendant's notice of removal is DENIED as moot. Court costs are assessed against plaintiffs. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

JUDGE

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