

[Cite as *Earl v. Office of the Governor*, 2002-Ohio-5117.]

IN THE COURT OF CLAIMS OF OHIO

FAIRLIE F. EARL	:	
Plaintiff	:	CASE NO. 2002-06758
v.	:	<u>ENTRY OF DISMISSAL</u>
OFFICE OF THE GOVERNOR, et al.	:	
Defendants	:	
	:	: : : : : : : : : : : : : : : :

{¶1} On August 14, 2002, defendants filed a motion to dismiss pursuant to Civ.R. 12(B)(6) on the grounds that plaintiff has failed to state a claim upon which relief can be granted. On August 8, 2002, plaintiff filed a response.

{¶2} In construing a complaint upon a motion to dismiss for failure to state a claim, the court must presume that all factual allegations of the complaint are true and make all reasonable inferences in favor of the non-moving party. *Mitchell v. Lawson Milk Co.* (1988), 40 Ohio St.3d 190. Then, before the court may dismiss the complaint, it must appear beyond doubt that plaintiff can prove no set of facts entitling him to recovery. *O'Brien v. University Community Tenants Union* (1975), 42 Ohio St.2d 242. The unsupported conclusions of a complaint are, however, not taken as admitted and are insufficient to withstand a motion to dismiss. *Mitchell*, supra, at 193.

{¶3} In the motion to dismiss, defendants argue that plaintiff's complaint is "nearly undecipherable." The court agrees. Indeed, upon review of plaintiff's complaint and the

documents attached thereto, the court is unable to discern a single cognizable claim for relief. Plaintiff's lengthy complaint contains a rambling and disjointed discourse devoid of any operative facts. Numerous references to the various attachments and exhibits provide the court with no guidance as to the claim(s) plaintiff attempts to assert.

{¶4} In short, plaintiff's complaint fails to state a claim upon which relief can be granted. Defendants' motion to dismiss is GRANTED. 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:

Fairlie F. Earl
Box 11173 Lake Dr. Avondale
Lakeview, Ohio 43331

Pro se

Lisa M. Eschbacher
65 East State St., 16th Fl.
Columbus, Ohio 43215

Assistant Attorney General

LP/cmd
Filed 9-24-2002
Jr. Vol. 720, Pgs. 1-2
To S.C. reporter 9-27-2002