

# Court of Claims of Ohio

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TIMOTHY R. LETSO

Case No. 2006-07040

Plaintiff

Judge Joseph T. Clark

v.

JUDGMENT ENTRY

OHIO DEPT. OF REHABILITATION  
AND CORRECTION

Defendant

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{¶1} On June 4, 2007, defendant filed a motion for summary judgment pursuant to Civ.R. 56(B). On July 17, 2007, an oral hearing was held on defendant's motion during which plaintiff informed the court that he had not been served with a copy of defendant's motion. On August 8, 2007, the court issued an entry allowing plaintiff to file a response to defendant's motion and scheduling a non-oral hearing. Plaintiff has not filed a response. The case is now before the court for a non-oral hearing upon defendant's motion for summary judgment. Civ.R. 56(C) and L.C.C.R. 4.

{¶2} Civ.R. 56(C) states, in part, as follows:

{¶3} "Summary judgment shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, written admissions, affidavits, transcripts of evidence, and written stipulations of fact, if any, timely filed in the action, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. No evidence or stipulation may be considered except as stated in this rule. A summary judgment shall not be rendered unless it appears from the evidence or stipulation, and only from the evidence or stipulation, that reasonable minds can come to but one conclusion and that conclusion is adverse to the party against whom the motion for summary judgment is made, that party being entitled to have the evidence or stipulation construed most strongly in the party's favor." See also *Williams v. First United Church of Christ* (1974), 37 Ohio St.2d 150; *Temple v. Wean United, Inc.* (1977), 50 Ohio St.2d 317.

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In his complaint, plaintiff alleges that he served 41 days in prison beyond his lawful term of incarceration as a result of defendant's failure to properly calculate jail-time credit.

In its motion for summary judgment, defendant contends that plaintiff's claim is barred by the doctrine of res judicata. In support of its motion, defendant has submitted a copy of an "entry granting defendant's motion for summary judgment" issued on February 17, 2006, in Case No. 2005-07551, captioned as *Timothy R. Letso v. Ohio Dept. of Rehabilitation and Correction*. Upon review of this court's prior decision in Case No. 2005-07551, it is clear that plaintiff's current action is based upon the same set of facts alleged in the prior case.

{¶4} The doctrine of res judicata holds that a valid, final judgment rendered upon the merits bars all subsequent actions based upon any claim arising out of the transaction or occurrence that was the subject matter of the previous action. *Grava v. Parkman Twp.*, 73 Ohio St.3d 379, 1995-Ohio-331.

{¶5} In the instant case, there can be no reasonable dispute that plaintiff's claim against defendant was previously dismissed by this court on the merits. Consequently, res judicata bars plaintiff from pursuing the claim for a second time in this case.

{¶6} In short, upon review of defendant's motion for summary judgment and the memoranda filed by the parties and construing the facts in a light most favorable to plaintiff, the court finds that no genuine issue of material fact exists and that defendant is entitled to judgment as a matter of law. Defendant's motion for summary judgment is hereby GRANTED and judgment is rendered in favor of defendant. 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.

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JOSEPH T. CLARK  
Judge

Case No. 2006-07040

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JUDGMENT ENTRY

[Cite as *Letso v. Ohio Dept. of Rehab. & Corr.*, 2007-Ohio-5420.]

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AMR/cmd

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