

IN THE COURT OF COMMON PLEAS
LAWRENCE COUNTY, OHIO

FILED
CLERK OF COURT

2009 SEP 22 PM 3:49

STATE OF OHIO, ex rel.,
RICHARD CORDRAY
ATTORNEY GENERAL OF OHIO

MIKE P. JASON
CLERK OF COURTS
LAWRENCE COUNTY

JUDGMENT ENTRY

PLAINTIFF,

-VS-

CASE NO. 06-OC-853

DONALD J. ASHWORTH, ET AL.,

DEFENDANTS.

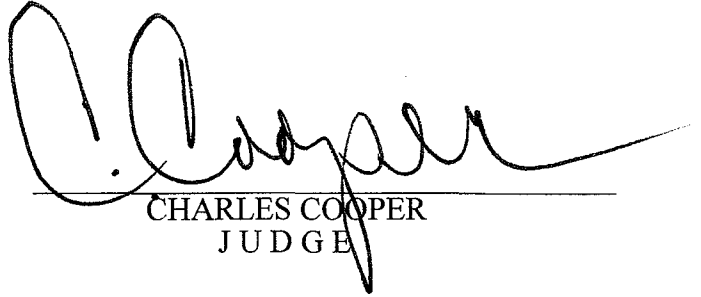
This matter comes before this Court after a six day trial to the Magistrate. At the conclusion of that six day trial, the Magistrate retired from that position prior to issuing his decision. Pursuant to Ohio Civil Rule 63(B), this Court has attempted to perform the duties as Trial Judge on this case.

Upon a reading of the transcript and the various pleadings and motions in the case, this Court finds that the Magistrate was in error in refusing to permit the Plaintiff to amend the Complaint to bring in the Defendant's wife and corporation, who had ownership interest in the three parcels of real estate which were the subject of this lawsuit.

This Court further finds that the Magistrate was in error in his rulings on the testimony of the parties and witnesses. The strictness of the Magistrate's rulings against the State of Ohio went beyond that permitted for the proper receipt of evidence in a bench trial.

Accordingly, the State of Ohio is given thirty (30) days within which to file their Amended Complaint and the matter will then be set for pretrial to determine if the full matter needs to be retried or if some other agreement may be reached by the parties.

Further, this Court assigns this case to Retired Judge Richard Walton for all further proceedings, consistent with this Order.



CHARLES COOPER
JUDGE

PROOF OF SERVICE

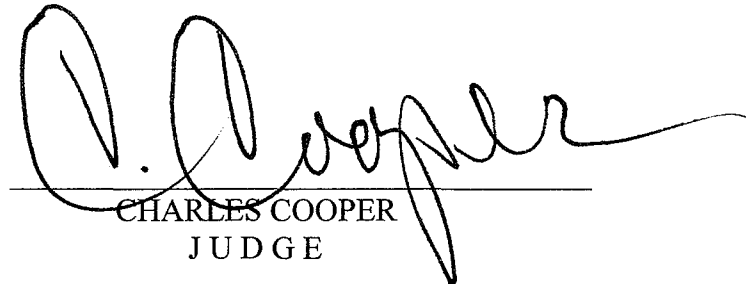
This is to certify that a copy of the foregoing Judgment Entry was sent to the following, this 22nd day of September, 2009:

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CHARLES COOPER
JUDGE