

[Cite as *Youngstown City School Dist. Bd. of Edn. v. Lucas Cty. Educational Serv. Ctr.*, 2002-Ohio-421.]

IN THE COURT OF CLAIMS OF OHIO

YOUNGSTOWN CITY SCHOOL :
DISTRICT, BOARD OF EDUCATION :
 :
Plaintiff :
 :
v. : ENTRY REMANDING CASE TO THE
 : MAHONING COUNTY COURT OF
 : COMMON PLEAS
LUCAS COUNTY EDUCATIONAL :
SERVICE CENTER, et al. :
 :
Defendants :
 :
and :
 :
LEGACY ACADEMY FOR LEADERS AND :
THE ARTS :
 :
Defendant/Third-Party :
Plaintiff :
 :
v. :
 :
OHIO OFFICE OF SCHOOL OPTIONS :
 :
Third-Party Defendant :

: : : : : : : : : : : : : : : :

On January 9, 2002, the court conducted an oral hearing to address defendant/third-party plaintiff's motion for injunctive relief. As a preliminary matter, the court heard oral argument on the issue of whether this court has jurisdiction to determine the merits of the case. Upon review of the parties' pleadings

and the arguments of counsel, the court finds that defendant/third-party plaintiff's December 6, 2001, petition for removal does not satisfy the requirements for removal pursuant to R.C. 2743.03. See, also, *Steward v. State* (1983), 8 Ohio App.3d 297; *Sedlak v. City of Solon* (Oct. 26, 1993), Franklin App. No. 93AP-813, unreported. Therefore, the court ORDERS the following:

- 1) Plaintiff's December 17, 2001, motion to remand this case to the Mahoning County Court of Common Pleas is GRANTED;
- 2) Defendant's, Ohio Department of Education, December 18, 2001, motion to remand this case to the Mahoning County Court of Common Pleas is GRANTED, and its request for expedited briefing and hearing on the motion is rendered moot;
- 3) Defendant's, Lucas County Educational Service Center, December 31, 2001, motion for extension of time is rendered moot;
- 4) This case is REMANDED to the Mahoning County Court of Common Pleas. Court costs are assessed against defendant/third-party plaintiff. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

FRED J. SHOEMAKER
Judge

Entry cc:

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Case No. 2001-11707-PR

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