

DIANA ZALESKI
2004 MAY 10 AM 11:20
SUMMIT COUNTY
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

JAMES ARRINGTON)	CASE NO. AC 2002-12-7384
)	
Plaintiff,)	JUDGE JOHN R. MILLIGAN
)	
-vs-)	
)	
DAIMLER CHRYSLER CO., et al.,)	<u>FINAL JUDGMENT</u>
)	
Defendants,)	
)	
)	

This matter came on for hearing upon the order of final pretrial/show cause and the motion of the defendant for orders in limine, the Plaintiff and counsel being present, and the Defendant being present, by counsel. No representative of the Bureau appeared.

Counsel for both parties advised the court that video testimony of the Plaintiff and his medical professional have not been taken or recorded, nor have video testimonies of the Defense witnesses been taken; counsel for Plaintiff further advised the court that both Plaintiff and the medical professional are available to testify live on the assigned trial date, May 17, 2004, at 9 A.M., but will not be available via video testimony.

Counsel and the Plaintiff were reminded that the video testimony model has been extant for the past year and the subject of numerous conversations and orders of the court, and that the Motion to Vacate the Order of Video Testimony was overruled on December 29, 2003, was not challenged by appeal (as it was in other cases), and is the law of the case.


It further appears to the court that there is no counterclaim or cross-complaint in the case sub judice, and that the case is therefore in default for want of any probative evidence.

This is one of those cases contemplated by Civil Rule 41(B)(1).¹

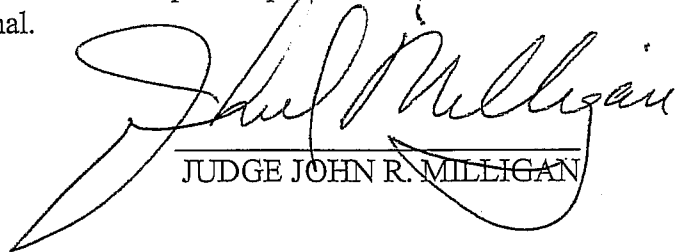
IT IS THE ORDER OF THE COURT THAT THE MOTION OF THE DEFENDANT IS SUSTAINED AND THE CASE BE DISMISSED. IT FURTHER APPEARING THAT NEITHER PARTY HAS COMPLIED WITH THE VIDEO TESTIMONY ORDERS OF THE COURT, THE COSTS SHALL BE DIVIDED EQUALLY BETWEEN THE PARTIES, THE PLAINTIFF TO PAY ONE-HALF OF THE COSTS, AND THE DEFENDANTS TO PAY THE BALANCE.

THIS IS THE FINAL JUDGMENT OF THE COURT.

So ordered.


JUDGE JOHN R. MILLIGAN

Pursuant to Civ.R. 58(B), the Clerk of Courts shall serve upon all parties notice of this Judgment and its date of entry upon the journal.


JUDGE JOHN R. MILLIGAN

¹ Where the plaintiff fails to prosecute, or comply with these rules or any court order, the court upon motion of a defendant or on its own motion may, after notice to the plaintiff's counsel, dismiss an action or claim.
Civ. R. 41(B)(1)