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**IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO**

CITY OF OLMSTED FALLS  
Plaintiff

ANDREA F. ROCCO, ET AL.  
Defendant

Case No: CV-16-867825

Judge: CASSANDRA COLLIER-WILLIAMS

**JOURNAL ENTRY**

96 DISP.OTHER - FINAL

DEFENDANT ANDREA ROCCO'S MOTION FOR SUMMARY JUDGMENT, FILED 05/19/2017, IS GRANTED.

IT IS AXIOMATIC THAT A MOTION FOR SUMMARY JUDGMENT MAY ONLY BE GRANTED WHERE THERE EXISTS NO GENUINE ISSUE AS TO ANY MATERIAL FACT AND THE MOVING PARTY IS ENTITLED TO JUDGMENT AS A MATTER OF LAW. CIV. R. 56(C). MOREOVER, SUMMARY JUDGMENT IS INAPPROPRIATE UNLESS IT APPEARS FROM THE EVIDENCE THAT REASONABLE MINDS COULD COME TO BUT ONE CONCLUSION AND THAT CONCLUSION IS ADVERSE TO THE NONMOVING PARTY. CIV. R. 56(C).

FURTHERMORE, IN REVIEWING A MOTION FOR SUMMARY JUDGMENT, THIS COURT MUST CONSTRUE THE EVIDENCE IN A LIGHT MOST FAVORABLE TO THE PARTY OPPOSING THE MOTION. TEMPLE V. WEAN UNITED, INC. (1977), 50 OHIO ST. 2D 317. THEREFORE, ABSENT AN AFFIRMATIVE SHOWING BY THE MOVING PARTY THAT NO GENUINE ISSUES EXIST AS TO ANY MATERIAL FACT, AND THAT SUCH PARTY IS ENTITLED TO JUDGMENT AS A MATTER OF LAW, NO SUMMARY JUDGMENT MAY BE GRANTED. HARLESS V. WILLIS DAY WAREHOUSING CO. (1978), 54 OHIO ST. 2D 64, 66.

CONSTRUING ALL FACTS IN FAVOR OF THE PLAINTIFF AND FINDING NO GENUINE ISSUE OF MATERIAL FACT REMAINS, THE COURT HEREBY GRANTS DEFENDANT'S MOTION FOR SUMMARY JUDGMENT. PLAINTIFF'S COMPLAINT IS HEREBY DISMISSED. FINAL.

PURSUANT TO CIV. R. 54(B) THERE IS NO JUST REASON FOR DELAY.

IT IS SO ORDERED.

COURT COST ASSESSED TO THE PLAINTIFF(S).

PURSUANT TO CIV.R. 58(B), THE CLERK OF COURTS IS DIRECTED TO SERVE THIS JUDGMENT IN A MANNER PRESCRIBED BY CIV.R. 5(B). THE CLERK MUST INDICATE ON THE DOCKET THE NAMES AND ADDRESSES OF ALL PARTIES, THE METHOD OF SERVICE, AND THE COSTS ASSOCIATED WITH THIS SERVICE.

Judge Signature

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NAILAH K. BYRD, CLERK