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

GEOROME WASHINGTON  
Plaintiff

OUTRAGE INC. (DBA) GEPPETTO'S  
Defendant

Case No: CV-19-915497

Judge: DICK AMBROSE

**JOURNAL ENTRY**

89 DIS. W/PREJ - FINAL

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT, FILED 03/02/2020, IS GRANTED. PURSUANT TO CIV. R. 56(E), THE COURT IS UNABLE TO CONSIDER EXHIBITS A-C ATTACHED TO PLAINTIFF'S SUPPLEMENT BRIEF AND AFFIDAVIT, FILED 03/31/2020. ADDITIONALLY, THE COURT IS UNABLE TO CONSIDER EXHIBIT B OF PLAINTIFF'S SUPPLEMENT BRIEF AND AFFIDAVIT, THE AFFIDAVIT OF DYNEA LEWIS LATRELL, AS THE AFFIDAVIT IS OF AN IMPROPERLY DISCLOSED WITNESS PROVIDED AFTER THE CLOSE OF DISCOVERY.

THE COURT, HAVING CONSIDERED ALL OF THE EVIDENCE AND HAVING CONSTRUED THE EVIDENCE IN A LIGHT MOST FAVORABLE TO THE NON-MOVING PARTY, DETERMINES THAT REASONABLE MINDS CAN COME BUT TO ONE CONCLUSION, THAT THERE ARE NO GENUINE ISSUES OF MATERIAL FACT AND DEFENDANT IS ENTITLED TO JUDGMENT AS A MATTER OF LAW AS PLAINTIFF CANNOT PROVE THAT DEFENDANT BREACHED A DUTY OWED TO PLAINTIFF AS DEFENDANT DID NOT HAVE ACTUAL OR CONSTRUCTIVE NOTICE OF A DEFECT.

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

06/24/2020