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

ERICA DAUGHERY
Plaintiff

Case No: CV-07-625529

Judge: DANIEL GAUL

CUYAHOGA METROPOLITAN HOUSING
AUTHORITY
Defendant

JOURNAL ENTRY

96 DISP.OTHER - FINAL

R.C. 2506.03 HEARING HELD 08/04/2010. COUNSEL FOR ALL PARTIES PRESENT. AS ENUMERATED IN R.C. 2506.03 AN EVIDENTIARY HEARING OCCURRED AS APPELLANT'S TESTIMONY IN THE PREVIOUS CUYAHOGA METROPOLITAN HOUSING AUTHORITY'S INFORMAL HEARING WAS NOT GIVEN UNDER OATH AND ADDITIONALLY THERE WAS NO TRANSCRIPT FILED FOR THE APPEAL IN THIS MATTER. THE COURT HEREBY FINDS THAT CUYAHOGA METROPOLITAN HOUSING AUTHORITY'S DECISION TO TERMINATE APPELLANT'S BENEFITS WAS UNSUPPORTED BY THE PREPONDERANCE OF SUBSTANTIAL, RELIABLE AND PROBATIVE EVIDENCE. SEE CINCINNATI BELL, INC. V. VILLAGE OF GLENDALE, 42 OHIO ST.2D 368 (OHIO 1975); BROOKSIDE AUTO PARTS, INC. V. CLEVELAND, 2009 WL 546432 (OHIO APP. 8TH DIST. 2009) THE COURT HEREBY ORDERS THAT APPELLANT'S BENEFITS BE REINSTATED. FINAL. NO JUST CAUSE FOR DELAY. COURT COST ASSESSED TO THE DEFENDANT(S).

Judge Signature

08/12/2010

- 96
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Page 1 of 1