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

MICHAEL J. SKINDELL
Plaintiff

MARY LOUISE MADIGAN, ET AL.
Defendant

Case No: CV-15-855961

Judge: STUART A FRIEDMAN

JOURNAL ENTRY

89 DIS. W/PREJ - FINAL

CASE CALLED FOR HEARING ON DECEMBER 21, 2015. ALL COUNSEL OF RECORD AND PARTIES APPEARED. TESTIMONY WAS TAKEN AND EVIDENCE WAS PRESENTED.

THE COURT NOTES THAT, UNDER THE PRESSURE OF THE MOMENT, THE COURT INADVERTENTLY STATED INCORRECTLY THAT IT WAS CONSOLIDATING THE PRELIMINARY INJUNCTION HEARING WITH A HEARING ON A PERMANENT INJUNCTION. INSTEAD, THE COURT INTENDED TO GRANT DEFENDANTS' MOTION TO CONSOLIDATE THE PRELIMINARY INJUNCTION HEARING WITH A TRIAL ON THE MERITS PURSUANT TO CIVIL RULE 65(B)(2). DEFENDANTS' MOTION TO CONSOLIDATE IS GRANTED, OVER OBJECTIONS BY PLAINTIFF.

THE COURT MAKES THE FOLLOWING FINDINGS:

COUNT 1 TEMPORARY RESTRAINING ORDER

AS PLAINTIFF'S MOTION FOR A TEMPORARY RESTRAINING ORDER WAS PREVIOUSLY DENIED, COUNT 1 IS MOOT.

COUNT 2 PRELIMINARY INJUNCTION

FOR THE REASONS NOTED AT THE CONCLUSION OF THE HEARING, PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION IS DENIED.

COUNT 3 DECLARATORY JUDGMENT

THE COURT FINDS THAT THE EXECUTIVE SESSIONS WERE NOT UNLAWFUL IN THAT THERE HAS BEEN NO EVIDENCE PRESENTED THAT ANY DELIBERATIONS OCCURRED OR ACTIONS TAKEN IN VIOLATION OF R.C. § 121.22(A). FURTHER, ANY DELIBERATIONS THAT TOOK PLACE WERE EXPRESSLY PERMITTED IN THE LIGHT OF THE PENDING LAWSUIT CV-15-846212 BEFORE JUDGE JOHN P. O'DONNELL.

COUNT 4 DECLARATORY JUDGMENT

INASMUCH AS NO ACTION WAS TAKEN OR DECISION REACHED IN VIOLATION OF R.C. § 121.22(A), THE MASTER AGREEMENT WAS NOT PROCEDURALLY INVALID. THE COURT NOTES IN THIS REGARD THAT THE VALIDITY VEL NON OF THE MASTER AGREEMENT ON ITS MERITS IS THE SUBJECT IF THE ACTION PENDING BEFORE JUDGE O'DONNELL.

COUNT 5 PERMANENT INJUNCTION

HAVING FOUND THAT THERE IS NO EVIDENCE TO SUPPORT PLAINTIFF'S CLAIM THAT THE LAKEWOOD CITY COUNCIL FAILED TO COMPLY WITH THE OPEN MEETINGS ACT, THE PRAYER AS TO COUNT 5 FAILS TO STATE A COGNIZABLE CLAIM.

BASED UPON THE ABOVE FINDINGS, THE COURT FINDS THAT PLAINTIFF'S PRAYER FOR A CIVIL FORFEITURE, COSTS, REASONABLE ATTORNEY FEES, AND "ANY OTHER ADDITIONAL RELIEF" IS MOOT.

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CASE IS DISMISSED WITH PREJUDICE AT PLAINTIFF'S COSTS. FINAL.

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

12/22/2015