



FILED
LORAIN COUNTY
2019 SEP 10 AM 9:02

LORAIN COUNTY COURT OF COMMON PLEAS
LORAIN COUNTY, OHIO

TOM ORLANDO, Clerk
JOURNAL ENTRY
John R. Miraldi, Judge

Date 9/9/19

Case No. 17CV193761

GIBSON BROS INC

Plaintiff

JACQUELINE BOLLAS CALDWELL

Plaintiff's Attorney (-)

VS

OBERLIN COLLEGE

Defendant

JOSH M MANDEL

Defendant's Attorney (-)

ENTRY AND RULING ON PLAINTIFFS' MOTION FOR PREJUDGMENT INTEREST

This matter comes before the Court upon the Plaintiffs Gibson Bros., Inc., Allyn W. Gibson, and David R. Gibson's ("Plaintiffs") Motion for Prejudgment Interest. In response, the Defendants Oberlin College and Meredith Raimondo filed a brief in opposition. On August 30, 2019, the Court issued an order allotting the parties until today, September 9, 2019, to submit evidentiary materials related to their briefing on Plaintiff's Motion for Prejudgment Interest.

On September 9, 2019 at 1:02 P.M. the Defendants filed a Notice of Filing that included two exhibits in support of their brief in opposition, and incorporated the exhibits to their brief in opposition that were previously filed and reviewed by the Court. On September 9, 2019 at 2:31 P.M., the Plaintiffs filed their evidentiary materials, which included nine (9) exhibits – seven (7) of which were included the exhibits to the Defendants' Opposition to Plaintiffs' Motion for Prejudgment Interest that were previously filed and reviewed by the Court. The Court has reviewed all of the evidentiary materials, considered its obligations under Ohio Revised Code § 1343.03, and reviewed and considered Ohio Revised Code § 1343.03's interpretive precedent. For the reasons that follow, Plaintiffs' Motion for Prejudgment Interest is denied.

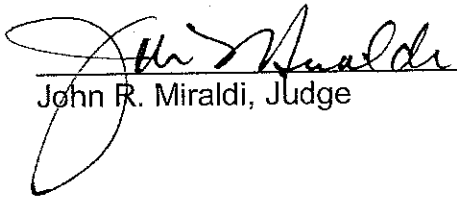
This case has been pending since November of 2017, and the Court has been highly involved in nearly every phase of the litigation, including presiding over several in-person pretrials, a lengthy final pretrial, and ultimately the six-week trial that concluded this case. Through this involvement, the Court frequently interacted with the parties' respective counsel, and was thoroughly familiar with their positions and



strategies as they evolved throughout the litigation. Ultimately, the parties were unable to reach a resolution. But, from the Court's perspective, this was not a product of the Defendants' bad faith, as contemplated by Ohio Revised Code § 1343.03, it was simply a case where the parties' dispute of the issues and application of the law required a trial of those issues. The correspondence that makes up nearly all of the parties' evidentiary materials is consistent with that finding and with the Court's observation above. Accordingly, and as stated above, Plaintiffs' Motion for Prejudgment Interest is denied.

IT IS SO ORDERED.

VOL____PAGE____



John R. Miraldi, Judge

cc: All Parties