**SOUTH EUCLID MUNICIPAL COURT**

**1349 South Green Road**

**South Euclid, Ohio 44121**

**216-381-2880**

**BRADLE GLAZER ) CASE NO: CVH 1400190**

 **Plaintiff )**

 **)**

 **V. )**

 **)**

**CITY OF SOUTH EUCLID )**

 **Defendant ) JUDGMENT ENTRY AND OPINION**

This matter came before Judge Gayle Williams-Byers on July 2, 2014 for a pretrial on a parking ticket appeal. All parties were present.

 Defendant’s Motion to Dismiss pursuant to Civ.R. 12(b)(6) filed April 23, 2014 is hereby granted. Plaintiff’s filing made on April 17, 2014 is not a complaint pursuant to Civ. R. 3 as it was not filed and served on the Defendant. Plaintiff’s prayer for relief is not accompanied by an original complaint and is unrelated to the underlying appeal. Plaintiff has made no effort to supplement the record since the filing of the original brief in this matter nor has he requested leave to file a supplemental complaint. Plaintiff has only appealed the original dispositional finding entered on March 20, 2014 by Hearing Officer Kerry Howard (hereinafter “hearing officer”).

As to the underlying appeal, the court finds in favor of the City of South Euclid. The Plaintiff is in the business of transporting physically challenged individuals but was not doing so at the time the citation was issued, notwithstanding being in the vehicle and prepared to do so. In fact, he was making a food purchase at Panera Bread; hardly an exception or mitigating circumstance to parking the vehicle in an area specifically designated for the physically challenged. This court further finds that the discomfort experienced by the Plaintiff as memorialized in the within exhibits arose after, not due to this incident, despite being pre-existing. Otherwise, this court finds that the Plaintiff would have had the appropriate handicapped signage and placards on said vehicle.

This court hereby affirms the finding and disposition of the hearing officer in this matter and Plaintiff shall be required to satisfy fines and costs as originally assessed.

**IT IS SO ORDERED**

 

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 Judge Gayle Williams- Byers

 Administrative and Presiding Judge