

[Cite as *Zeigler v. Ohio Dept. of Rehab. & Corr.*, 2002-Ohio-3517.]

IN THE COURT OF CLAIMS OF OHIO

CHARLES ZEIGLER	:	
Plaintiff	:	CASE NO. 2000-03051
v.	:	<u>JUDGMENT ENTRY</u>
DEPARTMENT OF REHABILITATION AND CORRECTION	:	
Defendant	:	
	:	: : : : : : : : : : : : : : : :

{¶1} This case was tried to a magistrate of the court. On March 27, 2002, the magistrate issued a decision recommending judgment for defendant. On April 10, 2002, plaintiff filed a motion for an extension of time to obtain a transcript of proceedings before the magistrate or an affidavit of evidence and to file objections. On April 17, 2002, the court granted plaintiff's motion and extended the deadline for filing objections until May 21, 2002. On May 20, 2002, plaintiff filed objections and on May 21, 2002, defendant filed a response.

{¶2} Upon review of plaintiff's seven enumerated objections, the court finds that objections 1-5 challenge factual findings made by the magistrate. Civ.R. 53(E)(6) provides in relevant part:

{¶3} "*** The court may adopt any finding of fact in the referee's report without further consideration unless the party who objects to that finding supports that objection with a copy of all relevant portions of the transcript from the referee's hearing or an affidavit about evidence submitted to the referee if no transcript is available. ***"

{¶4} Since plaintiff has not filed a transcript of proceedings or an affidavit of evidence as required by Civ.R. 53(E)(6), the court adopts the magistrate's findings of fact without further review and plaintiff's objections 1-5 are OVERRULED. With respect to objection number 7, the court has reviewed the magistrate's decision and finds that the magistrate's conclusions are not contrary to law. Finally, with regard to objection number 8, the court finds the magistrate did not err by refusing to admit specific case law into evidence.

{¶5} Upon review of the record, the magistrate's decision, and the objections, the court finds that the magistrate correctly analyzed the issues and applied the law to the facts. Therefore, the objections are OVERRULED and the court adopts the magistrate's decision and recommendation as its own. Judgment is rendered in favor of defendant. Court costs are assessed against plaintiff. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

JUDGE

Entry cc:

Richard F. Swope
6504 East Main Street
Reynoldsburg, Ohio 43068

Attorney for Plaintiff

Michael J. Valentine
65 East State St., 16th Fl.
Columbus, Ohio 43215

Assistant Attorney General

LP/cmd
Filed 6-7-2002
Jr. Vol. 707, Pgs. 188-189
To S.C. reporter 7-9-2002