

[Cite as *Graham v. Cleveland*, 2020-Ohio-640.]

CHRISTOPHER GRAHAM

Requester

v.

CITY OF CLEVELAND

Respondent

Case No. 2019-00869PQ

Judge Patrick M. McGrath

DECISION AND ENTRY

{¶1} Requester Christopher Graham, a self-represented litigant, has filed objections to a special master’s report and recommendation of November 15, 2019. Respondent City of Cleveland (City) has filed a response in opposition.

I. Background

{¶2} On August 6, 2019, pursuant to R.C. 2743.75(D), Graham sued the City, alleging a denial of access to public records. The court appointed a special master in the cause. The court, through the special master, referred the case to mediation. After mediation failed to successfully resolve all disputed issues between the parties, the City, through counsel, filed a response and moved to dismiss Graham’s complaint.

{¶3} On November 15, 2019, the special master issued a report and recommendation (R&R) wherein the special master recommended (1) denying the City’s motion to dismiss, (2) denying Graham’s claim for production of documents, and (3) assessing costs to Graham. The clerk of court forwarded copies of the R&R to the parties by certified mail. After the court’s certified mailing to Graham was returned to the court as undeliverable mail, the clerk of court re-issued the R&R to Graham by regular U.S. mail, postage prepaid.

{¶4} On January 9, 2020, Graham submitted written objections. Graham’s objections are not accompanied by a completed proof of service. Graham’s written objections assert that he has a criminal case in the City and that he is entitled to “any and all evidence that the City of Cleveland has in its possession for use in my defense,

{¶5} On January 17, 2020, the City filed a written response to Graham's objections. The City maintains that Graham's objection does state any specific grounds or reasonably dispute the City's statement of facts and that the R&R correctly found that the City did not violate the Ohio Public Records Act.

II. Law and Analysis

1. R.C. 2743.75(F)(2) governs objections to a special master's report and recommendation.

{¶6} R.C. 2743.75(F)(2) sets forth the standard for reviewing objections to a special master's R&R. Pursuant to R.C. 2743.75(F)(2),

[e]ither party may object to the report and recommendation within seven business days after receiving the report and recommendation by filing a written objection with the clerk and sending a copy to the other party by certified mail, return receipt requested. Any objection to the report and recommendation shall be specific and state with particularity all grounds for the objection. If neither party timely objects, the court of claims shall promptly issue a final order adopting the report and recommendation, unless it determines that there is an error of law or other defect evident on the face of the report and recommendation. If either party timely objects, the other party may file with the clerk a response within seven business days after receiving the objection and send a copy of the response to the objecting party by certified mail, return receipt requested. The court, within seven business days after the response to the objection is filed, shall issue a final order that adopts, modifies, or rejects the report and recommendation.

2. Graham's written objections are not well-taken.

{¶7} Graham's written objections are not well-taken. First, Graham's written objections fail to comply with requirements contained in R.C. 2743.75(F)(2) because the

written objections are not accompanied by a completed proof of service that establishes that Graham sent his objections to the City by certified mail, return receipt requested, as required by R.C. 2743.75(F)(2). Notably, a review of Graham's objections discloses that the objections are not accompanied by any completed proof of service. See *generally* Civ.R. 5(B)(4) (documents filed with a court "shall not be considered until proof of service is endorsed thereon or separately filed").

{¶8} Second, although in the objections Graham asks the special master to "revisit" the R&R and Graham objects to the "findings" of the special master, the objections fail to state with particularity all grounds for the objections, as required by R.C. 2743.75(F)(2). Stated differently, Graham's objections fail to identify errors in the R&R's findings of fact, conclusions of law, or application of the law. The court determines that the special master's R&R should be adopted.

III. Conclusion

{¶9} The court OVERRULES Graham's written objections of January 9, 2020. The court adopts the special master's R&R of November 15, 2019. Judgment is rendered in favor of the City. Court costs are assessed against Graham. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

PATRICK M. MCGRATH
Judge