

[Cite as *Thrower v. Ohio Dept. of Rehab. & Corr.*, 2001-Ohio-3953.]

IN THE COURT OF CLAIMS OF OHIO

ALBERT THROWER :  
:  
Plaintiff : CASE NO. 2000-01732  
:  
v. : JUDGMENT ENTRY  
:  
OHIO DEPARTMENT OF :  
REHABILITATION AND CORRECTION :  
:  
Defendant :  
:  
: : : : : : : : : : : : : : : :

This case was tried to a magistrate of the court. On September 17, 2001, the magistrate issued a decision recommending judgment for defendant.

Civ.R. 53 states: "Within fourteen days of the filing of a magistrate's decision, a party may file written objections to the magistrate's decision." On November 9, 2001, the court granted plaintiff's motion for an extension of time to file objections. Plaintiff thereafter, timely filed his objections to the decision. Defendant has filed its reply.

Civ.R.53 (E) (3) (b) provides:

Objections shall be specific and state with particularity the grounds of objection. If the parties stipulate in writing that the magistrate's findings of fact shall be final, they may object only to errors of law in the magistrate's decision. Any objection to a finding of fact shall be supported by a transcript of all the evidence submitted to the magistrate relevant to that fact or an

affidavit of that evidence if a transcript is not available. A party shall not assign as error on appeal the court's adoption of any finding of fact or conclusion of law unless the party has objected to that finding or conclusion under this rule.

Each of plaintiff's objections challenges factual findings of the magistrate. Plaintiff, however, has not filed the portions of the transcript relevant to those factual findings as required by Civ.R. 53(E)(3)(b). Accordingly, plaintiff's objections are OVERRULED.

Upon further 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 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.

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JUDGE

Entry cc:

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