

[Cite as *Zeigler v. Ohio Dept. of Rehab. & Corr.*, 2002-Ohio-4135.]

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 to May 21, 2002. On May 20, 2002, plaintiff filed objections and on May 21, 2002, defendant filed a response.

{¶2} On June 7, 2002, the court issued a judgment entry overruling plaintiff's objections to the magistrate's decision and granting judgment in favor of defendant. However, at the time the court issued its judgment entry, the court was unaware that plaintiff had, in fact, filed with the court a transcript of

proceedings before the magistrate. Accordingly, the court's June 7, 2002, judgment entry is hereby VACATED. This case is now before the court upon plaintiff's objections to the magistrate's decision.

{¶3} Upon review of plaintiff's seven enumerated objections, the court finds that objections 1-5 challenge factual findings made by the magistrate. Upon review of the transcript of proceedings, the court finds that each of the factual findings challenged by plaintiff are supported by the greater weight of the evidence. Accordingly, objections 1-5 are OVERRULED.

{¶4} With respect to objection number 7, the court has reviewed the magistrate's decision and finds that the magistrate's conclusions are supported by the greater weight of evidence and 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 correctly 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.

{¶6} The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

JUDGE

Entry cc:

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