

[Cite as *Briscoe v. Ohio Dept. of Rehab. & Corr.*, 2002-Ohio-5111.]

IN THE COURT OF CLAIMS OF OHIO

HARRY BRISCOE :
Plaintiff : CASE NO. 2000-10758
v. : JUDGMENT ENTRY
OHIO DEPARTMENT OF : Judge J. Warren Bettis
REHABILITATION AND CORRECTION :
Defendant :
: :

{¶1} This case was tried to a magistrate of the court. On July 1, 2002, the magistrate issued a decision recommending judgment for defendant. Plaintiff timely filed his objections and a transcript of proceedings. Defendant filed a response to plaintiff's objections.

{¶2} In plaintiff's first objection, plaintiff contends that "[t]he magistrate erred and abused his discretion in ruling that security relieves the Defendant from utilizing reasonable measures to protect inmates from risk caused by accumulation of soap on a concrete floor without mats, curtains or safety bars."

{¶3} Upon review of the magistrate's decision, the court does not agree that the magistrate determined that security concerns "relieved" defendant of its duty to exercise reasonable care. Rather, the magistrate found that security issues were one of the surrounding circumstances to be taken into consideration in determining what care was reasonable. Accordingly, plaintiff's first objection is OVERRULED.

{¶4} In plaintiff's remaining objections, plaintiff contends that the magistrate's decision was against the manifest weight of the evidence and contrary to law. However, upon review of the record and transcript of proceedings, the court finds that the magistrate's findings of fact are supported by the greater weight of the evidence, that the magistrate correctly applied the law to the facts and that the magistrate's conclusions are in accordance with law. Accordingly, plaintiff's remaining objections are OVERRULED.

{¶5} Having overruled each of plaintiff's objections, 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.

J. WARREN BETTIS
Judge

Entry cc:

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