

[Cite as *May v. Ohio Dept. of Rehab. & Corr.*, 2003-Ohio-1989.]

**IN THE COURT OF CLAIMS OF OHIO**

ANDREW MAY	:	
Plaintiff	:	CASE NO. 99-09234
v.	:	<u>JUDGMENT ENTRY</u>
DEPARTMENT OF REHABILITATION AND CORRECTION	:	Judge Fred J. Shoemaker
Defendant	:	
:	:	
:	:	
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{¶1} This case was tried to a magistrate of the court on the sole issue of damages. On January 27, 2003, the magistrate issued a decision recommending judgment in favor of plaintiff in the amount of \$22,525.

{¶2} Civ.R. 53 states: “Within 14 days of the filing of a magistrate’s decision, a party may file written objections to the magistrate’s decision.”

{¶3} On February 5, 2003, plaintiff filed a motion for extension of time to file his objections to the magistrate’s decision. On February 12, 2003, the court granted plaintiff leave until March 12, 2003, to file objections. On March 12, 2003, plaintiff filed an objection, and on March 14, 2003, defendant filed a response.

{¶4} Plaintiff’s sole objection is that the magistrate’s recommendation as to the amount of damages is insufficient to compensate plaintiff. Upon review of the magistrate’s decision, the transcript of proceedings and all of the evidence admitted at the trial on damages, the court finds that the magistrate was correct in his findings of the facts in this case. However, upon an independent analysis, the court does not agree with the magistrate’s conclusion and recommendation regarding the amount of plaintiff’s damages. Therefore, plaintiff’s objection is SUSTAINED.

{¶5} The court hereby modifies the magistrate's decision with respect to the damage award as follows: the court finds that plaintiff is entitled to total damages in the amount of \$25,525 as fair and adequate compensation for his injury. Judgment is entered in favor of plaintiff in the total amount of \$25,525 which includes the filing fee paid by plaintiff. Court costs are assessed against defendant. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

FRED J. SHOEMAKER  
Judge

Entry cc:

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