

[Cite as *Palmer v. Richland Correctional Inst.*, 2004-Ohio-2757.]

IN THE COURT OF CLAIMS OF OHIO

DAVID D. PALMER :  
:  
Plaintiff : CASE NO. 2003-04139  
Magistrate Steven A. Larson  
v. : Judge J. Warren Bettis  
  
RICHLAND CORRECTIONAL : JUDGMENT ENTRY  
INSTITUTION :  
:  
Defendant  
  
: : : : : : : : : : : : : : : : :

{¶1} This case was tried to a magistrate of the court on the issue of liability. On March 22, 2004, the magistrate issued a decision recommending judgment for defendant.

{¶2} Civ.R. 53(E) (3) (a) states: "A party may file written objections to a magistrate's decision within fourteen days of the filing of the decision, regardless of whether the court has adopted the decision pursuant to Civ.R. 53(E) (4) (c). \*\*\*"

Plaintiff has timely filed objections to the magistrate's decision and defendant has filed a response.

{¶3} In plaintiff's first objection, plaintiff contends that the magistrate erred by proceeding with the trial where both plaintiff's motion to compel answers to interrogatories and his motion for reconsideration had been unfairly denied by the court. Upon review of the record, the court finds no error of law with respect to the ruling upon plaintiff's August 20, 2003, motion to compel. Additionally, to the extent that the court was mistaken when it stated, in ruling

on plaintiff's motion for reconsideration, that plaintiff had failed to attach the proposed interrogatories to the motion for reconsideration, this mistake could not have prejudiced plaintiff since defendant did respond to the discovery request. If plaintiff had felt that the response was legally insufficient he could have moved the court to compel a further response. Plaintiff did not do so. Accordingly, plaintiff's first objection is OVERRULED.

{¶4} Upon review of the record, the magistrate's decision, and the remainder of plaintiff's objections, the court finds that the magistrate correctly analyzed the issues and applied the law to the facts. Therefore, the remaining objections are also OVERRULED and the court adopts the magistrate's decision and recommendation as its own, including the findings of fact and conclusions of law contained therein.

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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J. WARREN BETTIS  
Judge

Entry cc:

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Plaintiff, Pro se

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JUDGMENT ENTRY

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**LP/cmd**

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