

[Cite as *Smith v. Trumbull Correctional Inst.*, 2005-Ohio-5065.]

IN THE COURT OF CLAIMS OF OHIO

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PAUL SMITH :
Plaintiff : CASE NO. 2004-06020
v. : Judge J. Craig Wright
Magistrate Steven A. Larson

TRUMBULL CORRECTIONAL : JUDGMENT ENTRY
INSTITUTION :
Defendant :

: :

{¶ 1} This case was tried to a magistrate of the court. On July 18, 2005, the magistrate issued a decision recommending judgment in favor of defendant. The magistrate also recommended that the court issue a determination that Dr. Kirby is entitled to civil immunity pursuant to R.C. 9.86 and 2743.02(F) and that the courts of common pleas do not have jurisdiction over any civil actions that may be filed against Dr. Kirby based upon the allegations in this case.

{¶ 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). ***" No objection has been filed.

{¶ 3} Upon review of the record and the magistrate's decision, the court determines that there is no error of law or other defect on the face of the magistrate's decision. Therefore, 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. Additionally, the court determines that Dr. Kirby is entitled to civil immunity pursuant to R.C. 9.86 and 2743.02(F) and that the courts of common

pleas do not have jurisdiction over any civil actions that may be filed against Dr. Kirby based upon the allegations in this case. 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. CRAIG WRIGHT
Judge

Entry cc:

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