

Court of Claims of Ohio

The Ohio Judicial Center
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SHAWN MARTIN

Plaintiff

v.

OHIO DEPARTMENT OF REHABILITATION AND CORRECTION

Defendant

Case No. 2003-04899

Judge J. Craig Wright
Magistrate Anderson M. Renick

JUDGMENT ENTRY

{¶ 1} On September 20, 2007, a magistrate of this court issued a decision recommending judgment in favor of plaintiff in the amount of \$200,000, with a 40 percent reduction for plaintiff's contributory negligence, which resulted in a recommended award of \$120,025, including the filing fee. On October 3, 2007, defendant filed objections to the magistrate's decision. However, defendant did not file a transcript of the damages trial to support its objections. On November 7, 2007, a judge of this court sustained defendant's objections to the magistrate's decision and modified the magistrate's decision to find damages in the amount of \$140,000, which when reduced by 40 percent resulted in a total award to plaintiff in the amount of \$84,025. On June 26, 2008, the Tenth District Court of Appeals reversed the judgment of this court and remanded the case for further proceedings, stating in relevant part:

{¶ 2} "The trial court found that a transcript was not necessary because appellee's objections were to the magistrate's conclusions of law, not to the findings of fact. The trial court specifically accepted the magistrate's findings of fact in their

entirety, but concluded that, based on those findings of fact, the damages awarded by the magistrate were not fair and reasonable as a matter of law, and reduced the total damages awarded by \$60,000.

{¶ 3} “The trial court identified the three grounds argued by appellee in its objections, but did not specifically state whether the decision to reduce the damages award was based on any or all of those grounds, nor did the court otherwise set forth any explanation for its conclusion that the damages awarded were not fair and reasonable as a matter of law. Even though the reasonableness of damages awarded is a question of law, we do not believe the trial court could have adequately evaluated any of the grounds asserted by appellee in its objections without a transcript, because each of the asserted grounds would have necessarily required a review of the evidence offered at the damages hearing.

{¶ 4} “* * *

{¶ 5} “Consequently, the trial court erred when it sustained appellee’s objections to the magistrate’s decision and reduced the damages awarded by the magistrate where no transcript of the damages hearing was offered in support of those objections.” *Martin v. Ohio Dept. of Rehab. & Corr.*, Franklin App. No. 07AP-1006, 2008-Ohio-3166, ¶12-13 and 17.

{¶ 6} In accordance with the judgment of the court of appeals, defendant’s objections are OVERRULED and the court adopts the magistrate’s decision and recommendation as its own, including findings of fact and conclusions of law contained therein. Judgment is hereby rendered for plaintiff in the amount of \$120,025 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.

J. CRAIG WRIGHT
Judge

cc:

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HTS/cmd
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