

Court of Claims of Ohio

The Ohio Judicial Center
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FRANCIS COFFMAN, JR.

Plaintiff

v.

MANSFIELD CORRECTIONAL INSTITUTE

Defendant

Case No. 2007-02246

Judge J. Craig Wright
Magistrate Steven A. Larson

JUDGMENT ENTRY

{¶ 1} On February 9, 2009, the magistrate issued a decision recommending judgment for defendant.

{¶ 2} Civ.R. 53(D)(3)(b)(i) states, in part: “A party may file written objections to a magistrate’s decision within fourteen days of the filing of the decision, whether or not the court has adopted the decision during that fourteen-day period as permitted by Civ.R. 53(D)(4)(e)(i).” On February 18, 2009, plaintiff filed his objections. On March 4, 2009, defendant filed a response. On March 19, 2009, plaintiff filed “amended objections.”

{¶ 3} At all times relevant to this action, plaintiff was an inmate in the custody and control of defendant, Mansfield Correctional Institution (ManCI), pursuant to R.C. 5120.16. On January 24, 2003, plaintiff and other inmates were transported via bus from ManCI to the Corrections Medical Center (CMC) in Columbus. After they arrived at CMC, defendant’s employee attempted to back the bus into a parking space adjacent to the building, but the vehicle rolled too far backward and collided with the building. Plaintiff alleges that defendant was negligent in its operation of the bus and that he

suffered injury as a result.

{¶ 4} The magistrate found, in part: “[T]he impact between the bus and building was of a minimal nature, such that defendant did not breach its duty of care toward plaintiff. Moreover, even if it were to be found that defendant had breached its duty of care, * * * plaintiff failed to establish by a preponderance of the evidence that he sustained injury as a proximate result.”

{¶ 5} Plaintiff’s first objection pertains to the magistrate’s finding that defendant did not breach its duty of care. Plaintiff asserts that defendant did, in fact, breach its duty of care inasmuch as the employee driving the bus “had a duty to not negligently collide with solid objects.” However, the court finds that the magistrate properly determined that the collision was not significant enough as to constitute a breach of defendant’s duty of care.

{¶ 6} In his second objection, plaintiff contends that his testimony as to feeling pain due to the collision established that he suffered an injury. However, the magistrate specifically found that plaintiff’s testimony regarding the incident lacked credibility, particularly in comparison to the bus driver’s testimony. The magistrate also noted the lack of medical evidence to substantiate plaintiff’s alleged injury. It is well-settled that the magistrate, as the trier of fact, is in the best position to assess the credibility of witnesses and weigh the testimony. *Seasons Coal Co. v. Cleveland* (1984), 10 Ohio St.3d 77, 80-81. Upon review, the court concludes that the magistrate appropriately found that plaintiff failed to prove he suffered injury as a proximate result of the collision.

{¶ 7} Upon review of the record, the magistrate’s decision and the objections, the court finds that the magistrate has properly determined the factual issues and appropriately applied the law. Therefore, the 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 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. CRAIG WRIGHT
Judge

cc:

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Magistrate Steven A. Larson

RCV/cmd
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