



Court of Claims of Ohio

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614.387.9800 or 1.800.824.8263
www.cco.state.oh.us

KEVIN KOLLER,

Case No. 2010-08110

Plaintiff,

**Judge Joseph T. Clark
Magistrate Matthew C. Rambo**

v.

**OHIO DEPARTMENT OF
REHABILITATION AND CORRECTION,**

Defendant.

JUDGMENT ENTRY

{¶1} This case is sua sponte assigned to Judge Joseph T. Clark to conduct all proceedings necessary for decision in this matter.

{¶2} On November 18, 2011, the magistrate issued a decision recommending judgment for defendant.

{¶3} 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)."

{¶4} Civ.R. 53(D)(4)(e)(i) provides: "The court may enter a judgment either during the fourteen days permitted by Civ.R. 53(D)(3)(b)(i) for the filing of objections to a magistrate's decision or after the fourteen days have expired. If the court enters a judgment during the fourteen days permitted by Civ.R. 53(D)(3)(b)(i) for the filing of objections, the timely filing of objections to the magistrate's decision shall operate as an automatic stay of execution of the judgment until the court disposes of those objections and vacates, modifies, or adheres to the judgment previously entered."

{¶5} The court determines that there is no error of law or other defect evident on the face of the magistrate's decision. Therefore, 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.

JOSEPH T. CLARK
Judge

cc:

James P. Dinsmore
Assistant Attorney General
150 East Gay Street, 18th Floor
Columbus, Ohio 43215-3130

Kevin Koller, #522-019
Mansfield Correctional Institution
P.O. Box 788
Mansfield, Ohio 44901-0788

Filed November 18, 2011
To S.C. reporter December 30, 2011