

[Cite as *Parks v. Pickaway Cty. Bd. Of Commrs.*, 2019-Ohio-1823.]

MICHAEL R. PARKS

Requester

v.

BOARD OF COMMISSIONERS-
PICKAWAY COUNTY

Respondent

Case No. 2018-01479PQ

Judge Patrick M. McGrath

ENTRY ADOPTING
RECOMMENDATION TO DISMISS

{¶1} Requester Michael R. Parks objects to a special master’s report and recommendation issued on March 13, 2019.

I. Background

{¶2} On November 27, 2018, pursuant to R.C. 2743.75(D), Parks filed a complaint against respondent Board of Commissioners—Pickaway County (Board) with the Pickaway County Clerk of Courts, alleging a denial of access to public records in violation of R.C. 149.43(B). The court appointed an attorney as a special master in the cause. The special master referred the case to mediation. After mediation failed to successfully resolve all disputed issues between the parties, the court returned the case to the special master’s docket.

{¶3} On February 21, 2019, the Board moved to dismiss Parks’ complaint. The court appointed a different special master. On March 13, 2019, the special master issued a report and recommendation (R&R), recommending the granting of the Board’s motion to dismiss and the assessment of costs against Parks. Seven business days after Parks received a copy of the R&R—on March 25, 2019—Parks filed written objections to the R&R. In a certificate of service, Parks certified that he sent a copy the objections to the Board’s counsel by “certified mail, return receipt requested (US mail)” on March 21, 2019. Parks presents fourteen “errors”, which the court construes as objections.

{¶4} The Board has not filed a timely response to Parks' written objections.

II. Law and Analysis

{¶5} R.C. 2743.75(F)(2) governs objections to a special master's R&R issued under R.C. 2743.75. Pursuant to R.C. 2743.75(F)(2), either party "may object to the report and recommendation within seven business days after receiving the report and recommendation by filing a written objection with the clerk and sending a copy to the other party by certified mail, return receipt requested. * * * If either party timely objects, the other party may file with the clerk a response within seven business days after receiving the objection and send a copy of the response to the objecting party by certified mail, return receipt requested. The court, within seven business days after the response to the objection is filed, shall issue a final order that adopts, modifies, or rejects the report and recommendation."

{¶6} Upon consideration of Parks' written objections and certificate of service, the court finds that Parks' objections are timely filed. The court nonetheless determines that, based on the court's review of the objections, the purported "errors" identified by Parks lack merit. The court further determines that the special master identified the relevant issues and correctly applied the applicable law to the facts of this case.

III. Conclusion

{¶7} The court OVERRULES Parks' objections to the special master's R&R issued on March 13, 2019. The court adopts the special master's R&R of March 13, 2019 as its own. In accordance with the special master's recommendation, the court GRANTS respondent Board of Commissioners—Pickaway County's motion to dismiss. Judgment is rendered in favor of respondent. Court costs are assessed against Parks.

The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

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ENTRY

PATRICK M. MCGRATH
Judge

CC:

Filed April 9, 2019
Sent to S.C. Reporter 5/10/19