

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

Lamar Reese,	:	
Plaintiff-Appellant,	:	Nos. 26AP-24
v.	:	(Ct. of Cl. No. 2024-00558JD)
	:	and
Ohio Department of Rehabilitation,	:	No. 26AP-27
Defendant-Appellee.	:	(Ct. of Cl. No. 2024-00557JD)
	:	(REGULAR CALENDAR)
	:	

D E C I S I O N

Rendered on September 17, 2026

On brief: *Lamar Reese*, pro se.

On brief: [*D. Andrew Wilson*], Attorney General, *Amy S. Brown*, and *Daniel Benoit*, for appellee.

APPEAL from the Court of Claims of Ohio

BOGGS, P.J.

{¶ 1} Plaintiff-appellant, Lamar Reese, appeals the December 16, 2025 judgment entry of the Court of Claims of Ohio which adopted a magistrate’s decision recommending the dismissal of Reese’s negligence action against defendant-appellee, the Ohio Department of Rehabilitation and Correction (“ODRC”). For the reasons that follow, we affirm the judgment of the Court of Claims.

I. PROCEDURAL HISTORY AND FACTS

{¶ 2} On July 5, 2024, Reese filed a complaint in the Court of Claims against ODRC. In the complaint, Reese alleged that, on August 17, 2023, he realized that his heart medication was missing from his “pack up in Southern Ohio Correctional Facility’s Propert[y] vault, and the medication was never given to Medical as it was supposed to.” (Compl. at 1.) Reese claimed he missed his heart medication “for at least a total of 15 days

from 3/22/23 through 3/31/23 and 4/9/23 through 4/11/23 and from 5/14/23 through 5/18/2023.” *Id.* at 2. Reese further alleged that he filed grievances with “medical” on May 18, 2023 and August 17, 2023 to no avail. *Id.* Reese also stated that he had aortic heart surgery in late 2023, which he argues was related to missing his heart medication. Reese sought more than \$25,000 in damages in medical costs, physical injury, and punitive damages for emotional distress and anguish.

{¶ 3} On September 10, 2025, a magistrate with the Court of Claims held a trial where, at the conclusion of Reese’s case-in-chief, ODRC moved for dismissal pursuant to Civ.R. 41(B)(2), arguing that Reese had shown no right to relief. On September 12, 2025, the magistrate agreed with ODRC, as the damage Reese alleged was “not sufficiently observable, understandable, or comprehensible to a layperson and is uniquely within the scope of expert scientific inquiry,” and Reese only offered speculation and conjecture to support his assertions of proximate cause. (Decision at 4.)

{¶ 4} Reese filed objections to the magistrate’s decision as well as a motion to request the court to order a transcript free of cost. On December 16, 2025, the Court of Claims overruled Reese’s objections and adopted the magistrate’s decision. The court denied Reese’s motion to provide him with a transcript as he had not sought an extension of time to file a transcript and did not demonstrate good cause for an extension in accordance with Civ.R. 53(D)(3)(b)(iii). As Reese did not file a transcript, the Court of Claims limited its review to the magistrate’s legal conclusions. The Court of Claims overruled all of Reese’s objections and found that the magistrate appropriately applied the law.

{¶ 5} On January 5, 2026, Reese filed this appeal.

II. ASSIGNMENTS OF ERROR

{¶ 6} In his appeal to this court, Reese argues the following assignments of error.

1. The Court of Claims of Ohio erred in not entertaining Reese’s affidavit of indigence and not entertaining Reese’s request for alternative technology or manner.
2. The Court of Claims of Ohio erred in not entertaining Reese’s request to extend the time to prepare the transcript, and supplement the objections.

III. ANALYSIS

{¶ 7} Dismissal pursuant to Civ.R. 41(B)(2) will not be set aside on appeal unless it is incorrect as a matter of law or against the manifest weight of the evidence. *Johnson v. Tansky Sawmill Toyota, Inc.*, 95 Ohio App.3d 164, 167 (10th Dist. 1994); *Miller v. Ohio Bd. of Regents*, 2002-Ohio-1968 (10th Dist.).

{¶ 8} We consider Reese's assignments of error together, wherein he argues that the Court of Claims erred in not granting his request to extend his time to prepare the transcript. This court has previously observed that the "absence of a transcript or affidavit of evidence restricts the scope of review at both the trial court and appellate levels." *Cargile v. Ohio Dept. of Adm. Servs.*, 2012-Ohio-2470, ¶ 10 (10th Dist.). "In the absence of both a transcript and an affidavit, the trial court must accept the magistrate's findings of fact and may only examine the legal conclusions drawn from those facts." *Ramsey v. Ramsey*, 2014-Ohio-1921, ¶ 16-18 (10th Dist.), citing *Ross v. Cockburn*, 2008-Ohio-3522, ¶ 5 (10th Dist.). "[W]here there is no transcript submitted on appeal, '[t]here is a presumption that the trial court proceedings were validly conducted. Absent a complete transcript or an acceptable alternative (such as is described in App.R. 9(C)), we must presume that the trial court's decision is correct.'" *Barksdale v. Ohio Dept. of Rehab. & Corr.*, 2017-Ohio-395, ¶ 17 (10th Dist.), quoting *Jenkins v. State Farm Mut. Auto. Ins. Co.*, 2013-Ohio-1142, ¶ 30 (10th Dist.). "Furthermore, where an appellant fails to provide the court with a transcript of the trial court proceedings, despite the fact that he contends that certain of the trial court's finding of fact were improper, a court has nothing to review without a transcript and must presume that the findings of fact are correct and supported by the evidence." *Id.* at ¶ 17, citing *Am. Fam. Ins. Co. v. Hoop*, 2014-Ohio-3773, ¶ 36-37 (4th Dist.).

{¶ 9} To the extent that Reese argues the Court of Claims should have allowed for an extension of time to prepare the transcript or other relief, we note that the use of alternative methods or for allowing an extension of time are at the discretion of the trial court. Civ.R. 53(D)(3)(b)(iii) states that objections to factual findings of a magistrate's decision shall be supported by a transcript or an affidavit of evidence if a transcript is not available. The rule also states that:

With leave of court, alternative technology or manner of reviewing the relevant evidence may be considered. The objecting party shall file the transcript or affidavit with the

court within thirty days after filing objections unless the court extends the time in writing for preparation of the transcript or other good cause.

(Emphasis added.) Civ.R. 53(D)(3)(b)(iii).

{¶ 10} Therefore, it was within the discretion of the Court of Claims whether to permit a manner of reviewing the evidence other than a transcript as well as whether to grant an extension of time upon the showing of good cause. Reese argues that he requested the use of alternative methods or for the court to prepare a transcript in his motion and that the Court of Claims erred by not considering his motion. We are not persuaded. The Court of Claims explicitly denied Reese's motion that the court order a transcript and held that Reese did not file for an extension of time. Accordingly, we overrule both of Reese's assignments of error.

IV. CONCLUSION

{¶ 11} Having overruled Reese's first and second assignments of error, we affirm the judgment of the Court of Claims of Ohio.

Judgment affirmed.

BEATTY BLUNT and LELAND, JJ., concur.
