

[Cite as *Diebert v. Lafferty*, 2022-Ohio-2919.]

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| CHERYL AND CARA DIEBERT   | Case No. 2021-00699PQ            |
| Requester   | Special Master Jeff Clark        |
| v.  | <u>REPORT AND RECOMMENDATION</u> |
| CHIEF LAFFERTY, VILLIAGE OF<br>NORTH BALTIMORE POLICE<br>DEPARTMENT, et al. |                                  |
| Respondent  |                                  |

{¶1} The Public Records Act, R.C. 149.43, provides that upon request a public office “shall make copies of the requested public record available to the requester at cost and within a reasonable period of time.” R.C. 149.43(B)(1). The state policy underlying the Act is that open government serves the public interest and our democratic system. To that end, the public records statute must be construed liberally in favor of broad access, with any doubt resolved in favor of disclosure of public records. *State ex rel. Rogers v. Dept. of Rehab. & Corr.*, 155 Ohio St.3d 545, 2018-Ohio-5111, 122 N.E.3d 1208, ¶ 6. R.C. 2743.75 provides “an expeditious and economical procedure” to resolve public records disputes in the Court of Claims.

{¶2} On September 12, 2021, requester Cara Diebert made a request to respondents North Baltimore Police Department (NBPd) Chief Lafferty and North Baltimore Mayor Goldner for the following:

bodycam, call logs and reports for 904 E Water or 201 S Poe including anything reported by myself or anyone at 201 S Poe. The dates are 7/10/2021, 7/12/2021, 9/6/2021, 9/10/2021 (this date should include my address 201 S Poe, 205 S Poe and 904 E Water st)

[all sic] (Complaint at 4.) On September 21, 2021 at 1:53 P.M., requester Cheryl Diebert made an additional request to Lafferty and Goldner for three months of “any call logs, reports, citations and body cam \* \* \* for Beecher Street, Bates Street and Zihlman Street,” and similar records “for Trespassing incident on 7/3/2020 and any follow up,” and similar

records “for 10/22/2020 for 904 E Water St and /or complaints.” (*Id.* at 10.) On September 21, 2021 at 4:38 P.M., Cheryl added a request “for any call logs, reports and body cams for 904 E Water St on 9/20/2021.” (*Id.* at 9.) On September 26, 2021, Cara checked on the status of her first request and added a request for the same records “from 09/26/21 of 904 E Water Street.” (*Id.* at 5.) On October 1, 2021, Chief Lafferty advised that “our redaction software has broken and we are working to get it back up and running. As soon as it is we will continue with your requests.” (*Id.* at 6.) On October 13, 2021, Lafferty advised “the program has been fixed and yours and your moms request are currently being processed. The request your mom put in is large in nature and is taking time to fill.” (*Id.* at 8.) On October 25, 2021, Cheryl requested an

answer to my last e-mail as to what other personal reviewed video of Officer Slane and what video you seen where the person in question was handed alcoholic beverage by her parent and which parent would that have been. Also would like cost verification and answer for [Cheryl’s 10/20/21 offer to donate DVDs to the Village]. The questions about Officer Slane and video is a public request. [all *sic*]

(*Id.* at 13.) On October 29, 2021, Cara inquired “on the status of my and my mothers public records requests and the cost along with a breakdown of the cost.” (*Id.* at 8.) On November 1, 2021, Lafferty advised “[w]e are almost completed with your request and will call you when done. The cost is unknown until we are done.” (*Id.*) On November 4 and 11, 2021, Cheryl requested a breakdown of pricing for DVDs “including receipts or other financial record for 2021.” (*Id.* at 14, 15.) She also asked: “Per public records request I want the NBPDS procedures on handling complaints against your officers.” (*Id.* at 15.)

{¶3} On December 6, 2021, the Dieberts filed a complaint pursuant to R.C. 2743.75 alleging denial of access to public records in violation of R.C. 149.43(B). Following mediation, Chief Lafferty and Mayor Goldner filed a combined motion to dismiss and response to requester’s complaint (Response) on May 18, 2022. On June 1, 2022,

the Dieberts filed a reply (which shall not be considered due to lack of proof of service per Civ.R. 5(B)(4)). On June 28, 2022. Chief Lafferty filed a supplement to the response.

### **Burden of Proof**

{¶4} The overall burden of persuasion in a public records case is on requester to prove her right to relief by the requisite quantum of evidence. *Welsh-Huggins v. Jefferson Cty. Prosecutor's Office*, 163 Ohio St.3d 337, 2020-Ohio-5371, 170 N.E.3d, ¶ 34. The requester must establish entitlement to relief by clear and convincing evidence. *Hurt v. Liberty Twp.*, 2017-Ohio-7820, 97 N.E.3d 1153, ¶ 27-30 (5th Dist.). A requester must first prove she sought an identifiable public record, and that the public office did not make the record available. *Welsh-Huggins* at ¶ 33.

### **Motion to Dismiss**

{¶5} In order to dismiss a complaint for failure to state a claim upon which relief can be granted, it must appear beyond doubt that the claimant can prove no set of facts warranting relief after all factual allegations of the complaint are presumed true and all reasonable inferences are made in claimant's favor. *State ex rel. Findlay Publishing Co. v. Schroeder*, 76 Ohio St.3d 580, 581, 669 N.E.2d 835 (1996). As long as there is a set of facts consistent with the complaint that would allow the claimant to recover, dismissal for failure to state a claim is not proper. *State ex rel. V.K.B. v. Smith*, 138 Ohio St.3d 84, 2013-Ohio-5477, 3 N.E.3d 1184, ¶ 10. Lafferty and Goldner denied two sets of requests as non-actionable questions about decisions and perceptions, and for the rest state that they have now provided all existing records in their possession. (Response at 4-5.)

### **Improper Request for Information**

{¶6} Cheryl Diebert's October 25, 2021 email to Goldner stated:

Wondering when I might receive an answer to my last e-mail as to what other personal reviewed video of Officer Slane and what video you seen where the person in question was handed alcoholic beverage by her parent and which parent would that have been. Also would like cost verification and

answer for [Cheryl's 10/20/21 offer to donate DVDs to the Village]. The questions about Officer Slane and video is a public request. [all sic]

(*Id.* at 13.) Goldner responded, in part:

Also, please note, the questions contained in your October 25<sup>th</sup> email are just that – questions. These are not valid public records requests because they seek information/answers. They do not seek the production of an actual public record.

(*Id.* at 14.)

{¶7} A public office has no duty to create new records to satisfy a request for information. *Morgan* at ¶ 56; *State ex rel. Kerner v. State Teachers Retirement Bd.*, 82 Ohio St.3d 273, 274-275, 695 N.E.2d 256 (1998). The Special Master finds that on their faces, the Diebert emails of October 20 and 25 are requests for employee identities, and for employees' perceptions, and for approval of requests to donate, and for "justification" of pricing. None of these questions reasonably identifies a particular record sought. The Special Master finds that these improper requests for information created no duty on Goldner's part to produce any identified record and cannot be the basis for finding a violation of R.C. 149.43(B)(1). The Special Master recommends the court grant the motion to dismiss as to the October 20 and 25, 2021 requests.<sup>1</sup>

{¶8} With respect to the other requests, the Special Master finds that the defenses of mootness and the non-existence of additional records are not conclusively shown on the face of the complaint. Moreover, as the matter is now fully briefed these grounds are subsumed in the arguments to deny the claim on the merits. It is therefore recommended the motion to dismiss be denied with respect to all other claims.

### **Non-Existent Records**

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<sup>1</sup> Neither the complaint nor the reply appears to seek enforcement of several other improper requests for information in the Dieberts' letters, e.g., for "any and all conversations with any of the following families { \* \* \* } with you and any of your officers while in your official duties." (Complaint at 10.) To the extent these questions have not been satisfied they would be appropriate subjects for further explanation and negotiation pursuant to R.C. 149.43(B)(2) and revision into proper public records requests.

{¶9} “Public records” means records *kept by a public office*. R.C. 149.43(A)(1). A public office has no duty to provide records that do not exist, or that it does not possess. *State ex rel. Gooden v. Kagel*, 138 Ohio St.3d 343, 2014-Ohio-869, 6 N.E.3d 471, ¶ 5, 8-9. An office may establish by affidavit that any existing records have been provided. *State ex rel. Fant v. Flaherty*, 62 Ohio St.3d 426, 427, 583 N.E.2d 1313 (1992); *State ex rel. Toledo Blade Co. v. Toledo-Lucas Cty. Port Auth.*, 121 Ohio St.3d 537, 2009-Ohio-1767, 905 N.E.2d 1221, ¶ 15. The public office must clearly deny the existence of the specifically requested records. *State ex rel. Morgan v. New Lexington*, 112 Ohio St.3d 33, 2006-Ohio-6365, 857 N.E.2d 1208, ¶ 56-57.

### **Proof of Existence**

{¶10} When a public office asserts that it has no additional records in its possession, the burden is on requester to prove by clear and convincing evidence that the records it requests do exist and are maintained by that office. *State ex rel. Cordell v. Paden*, 156 Ohio St.3d 394 2019-Ohio-1216, 128 N.E.3d 179, ¶ 6, 8. The office’s affidavit may be rebutted by evidence showing a genuine issue of fact, but a requester’s mere belief based on inference and speculation does not constitute the evidence necessary to establish that a document exists as a record. *State ex rel. McCaffrey v. Mahoning Cty. Prosecutor’s Office*, 133 Ohio St.3d 139, 2012-Ohio-4246, 976 N.E.2d 877, ¶ 22-26.

### **Suggestion of Mootness**

{¶11} In an action to enforce R.C. 149.43(B), a public office may produce the requested records prior to the court’s decision, and thereby render the claim for production moot. *State ex rel. Striker v. Smith*, 129 Ohio St.3d 168, 2011-Ohio-2878, 950 N.E.2d 952, ¶ 18-22. Chief Lafferty and Mayor Goldner assert that all requests have been rendered moot by production of records after the complaint was filed. (Response at 3-4.) However, their affidavits include oddly conditional attestations, e.g.,

7. If the Village responded to Cheryl Diebert's November 11, 2021 Public Records Request by producing records, those were the only responsive records kept by the village.

8. If the Village responded to Cheryl Diebert's November 11, 2021 Public Records Request by indicating no public records existed, that was true at the time the Village responded, and still is true today.

(Response, Goldner Aff. at ¶ 7-8.) These awkward statements fall short of direct, unequivocal testimony. However, the Special Master finds they carry some evidentiary value unless contradicted by substantive opposing evidence.

{¶12} The Dieberts proffered a reply pleading that the court may not consider, due to failure to accompany the pleading with a completed proof of service. Civ.R. 5(B)(4). Out of an abundance of caution and in the interest of justice the Special Master reviewed the reply and finds that to the extent it bears on the production of records it concedes the eventual satisfaction of some of the requests but makes several general denials of complete production. If the reply could be considered, its content would carry minimal probative value, similar to respondents', on the issue of mootness.

#### **September 12, 2021 Request**

{¶13} Chief Lafferty attests that each of the records responsive to the September 12, 2021 request (Complaint at 4) were made available for the Dieberts to pick up on December 27, 2021, and that the Dieberts picked up these records in late January/early February 2022. (Response at 3, Lafferty Aff. I at ¶ 8-13, Lafferty Exh. 1; Supp. Response, Lafferty Aff. II at ¶ 11.) In connection with this request, the complaint states that

One of the dates for supposed nonexistent body cam is 7/12/2021 a property drop off at 904 E Water St North Baltimore, Ohio. We have security cameras that pick up the light on their body cam when on and seen it on this date.

(Complaint at 2.) The complaint does not establish whether NBPD officers are required to activate body cameras for a property drop-off, and if so, how long such video must be

retained. The Dieberts did not attach a copy of their own security camera footage to the complaint. The Dieberts' reply pleading may not be considered, but in any case, does not contain evidence or argument beyond that contained in the complaint. (Reply at ¶ 18.) The Dieberts offer no specific argument or evidence supporting the existence of any withheld records responsive to any other portion of the September 12, 2021 request.

{¶14} The Special Master finds that the Dieberts have not shown by clear and convincing evidence that additional NBPd records exist that are responsive to this request. To be clear, this is not an affirmative finding that no such records exist or ever existed, only that the Dieberts have failed to meet their burden to prove their existence in respondents' keeping at the time of this request by the requisite quantum of evidence.

{¶15} Accordingly, the Special Master finds that the claim with respect to production of records responsive to the September 12, 2021 request is moot.

**September 21, 2021, 1:53 p.m. Request**

{¶16} Chief Lafferty attests that all records responsive to the "September 12 [sic], 2021 at 1:53 p.m." request were made available for the Dieberts to pick up on December 27, 2021. (Supp. Response, Lafferty Aff. II at ¶ 11.) The Dieberts offer no evidence to the contrary. The Special Master finds that the claim with respect to production of records responsive to the September 21, 2021 at 1:53 request is moot.

**September 21, 2021, 4:38 p.m. Request**

{¶17} Chief Lafferty attests that all records responsive to the September 21, 2021 at 4:38 p.m. request were made available for the Dieberts to pick up on December 27, 2021. (Supp. Response, Lafferty Aff. II at ¶ 11.) The Dieberts offer no evidence to the contrary. The Special Master finds that the claim with respect to production of records responsive to the September 21, 2021 at 4:38 p.m. request is moot.

**September 26, 2021 Request**

{¶18} Chief Lafferty attests that all records responsive to the September 26, 2021 request were made available for the Dieberts to pick up on December 27, 2021. (Supp.

Response, Lafferty Aff. II at ¶ 11.) The Dieberts offer no evidence to the contrary. The Special Master finds that the claim with respect to production of records responsive to the September 26, 2021 request is moot.

### **November 11, 2021 Request**

{¶19} Mayor Goldner attests that after conferring with legal counsel and gathering the public records responsive to Cheryl Diebert's November 11, 2021 request, she sent the records to Ms. Diebert via email. (Response, Goldner Aff. at ¶ 5-6, Goldner Exhs. 1 and 2.) Although records of DVD costs and cell phone policies were provided, Goldner told Cheryl that the village had "no public records" responsive to the request for "NBPD procedures on handling complaints against your Officers." (Response at 4, Goldner Exh. 2 at ¶ 2.) Notably, the Dieberts' request is not expressly limited to complaints made by persons outside of village government and thus includes procedures for any complaint by any person.

{¶20} Finding it implausible that an Ohio police department would not have a single written procedure for handling a complaint of any kind against its officers, the Special Master directed respondents to provide copies of the village employee handbook and NBPD manual of policies and procedures, and the relevant codified ordinances of North Baltimore, and explain how Cod. Ord. Sections 139.01(j)(5)<sup>2</sup> and (23) through (25) are or are not responsive to the request for NBPD procedures on handling complaints against its officers. (June 8, 2022 Order at ¶ 1-4.)

{¶21} The policies and procedures in the village Employee Handbook ("Handbook") (Supp. Response Exh. A) apply to all village employees unless specifically stated otherwise, Handbook Sect. 1.03, and contain sections applicable to internal complaints of discrimination, harassment, and violence, including by any employee who has been a victim of or witness to such behavior. Disciplinary policy and procedures are

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<sup>2</sup> The Special Master erroneously omitted subsection (j) from this cite in his order. Respondents' Supp. Response shows they understood the correct reference.

found at Handbook Section 8.01 et seq. Among other misconduct, complaints of “discourteous treatment of the public” and “inattention to the needs of the public” through malfeasance or nonfeasance, and “willfully demeaning, verbally abusing and/or humiliating another person” are subject to the disciplinary process. Handbook Sect. 8.03(1)(a); Group I Offenses (5); Group II Offenses (9); Group III Offenses (7). Sect. 8.01(g) provides, in pertinent part,

(g) The \* \* \* Chief of Police or Fire in the case of their employees shall be responsible for administering discipline (i.e., verbal warnings and written reprimands) and for making recommendations to the Employer regarding more severe discipline.

(1) The Chief of Police shall have the exclusive authority to suspend employees of the police department. The Mayor may concur with or modify the Chief’s decision.

The Employee Handbook thus contains procedures for handling both internal and external complaints regarding treatment of the public by NBPD officers.

{¶22} Further, the NBPD Use of Force/Firearms Reporting Procedures policy (Supp. Response Exh. B-1) provides that:

d. Use of Force Reports will be completed in all instances of injury, observation of injury, *or complaint of excessive use of force*.

A. Injuries will be photographed, if possible.

B. Officer will make arrangements to ensure the logger/recorder tapes are saved, if applicable.

C. Officer will advise supervisory personnel immediately upon notice of *a complaint*.

(Emphasis added.) (Supp. Response, Exh. B-1 at p. 80, Policy Number PP-2017-1-31, IV. D. d.) Division E of this policy details additional “Steps in Completion of the Report.” (*Id.* at p. 82.) The Special Master takes notice that complaints of excessive use of force by an officer are often made by the person(s) on which that force is used, but may also

be reported or supported by officers witnessing the event, or made when an officer receives “notice of a complaint.” (*Id.* at 80.) The NBPB Use of Force/Firearms Reporting Procedures policy contains procedures for handling external and internal complaints against NBPB officers for excessive use of force, a matter concerning treatment of the public.

{¶23} Chief Lafferty concedes only that Cod. Ord. 139.01(j)(23) addresses those complaints made by members of the police department against other members of the department. (Lafferty Aff. II at ¶ 8.) This subsection states:

(j) The following rules and regulations shall govern all members of the Police Department: \* \* \*

(23) It shall be the duty of each officer to personally conduct a public relations campaign for this department. No officer shall publicly degrade any member of this Department. Complaints or concerns must be brought to the attention of the Chief of [sic] the Mayor.

(Supp. Response Exh. B-2.) The ordinance describes the enforcement procedure as:

(25) Any officer violating any of these rules and regulations will be subject to disciplinary action taken in accordance with the provisions of Ohio R.C. Sections 733.35 through 733.39.

However, the Special Master declines to adopt Lafferty’s apparent assumption that only the second sentence of Cod. Ord. 139.01(j)(23) can support complaints against officers. The Special Master finds that the first sentence of the rule codifies a duty for officers to “personally conduct a public records campaign for the department,” a matter concerning treatment of the public. The rule requires reporting of complaints or concerns regarding violation of this duty by NBPB officers to the Chief of Police or the Mayor and references the statutory procedures for handling such complaints.

{¶24} The court may take notice that governmental subdivisions in general, and police departments in particular, routinely process both internal and public complaints

against employees. Standard police department practices include at least some written procedures, forms, etc. for making such complaints. For example, although the NBPD is not accredited by the Commission on Accreditation for Law Enforcement Agencies (CALEA), the written NBPD complaint procedures noted above are consistent with at least some of the standards recognized by that organization for handling citizen complaints. See CALEA Law Enforcement Manual Ver. 6.5, Ch. 26, e.g., 26.2.4 Complaint/ Commendation Registering Procedures.<sup>3</sup>

{¶25} The Special Master finds respondents' denial that *any* written procedure whatsoever exists for registering complaints against Village police officers is contradicted by the clear and convincing evidence in its Handbook, Use of Force/Firearms Reporting Procedures, and village codified ordinances. The examples noted are not exhaustive but are sufficient to show that respondents violated R.C. 149.43(B)(1) in claiming they had no records responsive to the request for "NBPD procedures on handling complaints against your Officers."

{¶26} In the absence of willing efforts by respondents to identify and produce the records cited above, or any other complaint procedures that may exist, this court has little on which to base an order for further production. However, nothing precludes the Dieberts from making new requests that reasonably identify additional records concerning procedures for receiving, filing, processing, and resolving complaints from any source against NBPD officers.

### **Timeliness**

{¶27} Independent of the claims for production, the Dieberts' claim that the delay between the requests and production of any records was unreasonable is not moot. "[A] separate claim based on the untimeliness of the response persists unless copies of all required records were made available 'within a reasonable period of time.' R.C.

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<sup>3</sup> <http://www.slcpcd.com/ass3ts/uploads/2019/11/CALEA-Law-Enforcement-Manual-v-6.5-all-standards.pdf>.

149.43(B)(1).” *State ex rel. Kesterson v. Kent State Univ.*, 156 Ohio St.3d 22, 2018-Ohio-5110, 123 N.E.3d 895, ¶ 19. *Accord State ex rel. Consumer News Servs. v. Worthington City Bd. of Educ.*, 97 Ohio St.3d 58, 2002-Ohio-5311, 776 N.E.2d 82, ¶ 31.

{¶28} “The primary duty of a public office when it has received a public-records request is to promptly provide any responsive records within a reasonable amount of time and when a records request is denied, to inform the requester of that denial and provide the reasons for that denial. R.C. 149.43(B)(1) and (3).” *Cordell v. Paden*, 156 Ohio St.3d 394, 2019-Ohio-1216, 128 N.E.3d 179, ¶ 11. Whether a public office has provided records within a “reasonable period of time” depends upon all the pertinent facts and circumstances of the case. *Id.* at ¶ 12. The requester bears the burden of demonstrating that a public office’s response was unreasonably delayed. *Id.*

{¶29} Respondents admit that no responsive records were produced for any of the requests, most of which were made in September, 2021, until December 27, 2021. (Response at 3.) Respondents plead that the process of compliance was “laborious, time consuming, and required the Village to purchase new software,” and that as a result “the Village of North Baltimore Police Department took more time than usual, but not an unreasonable time, to respond.” (*Id.*) However,

No pleading of too much expense, or too much time involved, or too much interference with normal duties, can be used by the respondent to evade the public’s right to inspect and obtain a copy of public records within a reasonable time. The respondent is under a statutory duty to organize his office and employ his staff in such a way that his office will be able to make these records available for inspection and to provide copies when requested within a reasonable time.

*State ex rel. Beacon Journal Pub. Co. v. Andrews*, 48 Ohio St.2d 283, 289, 358 N.E.2d 565 (1976). *Accord Wadd v. Cleveland*, 81 Ohio St.3d 50, 53-54, 689 N.E.2d 25 (1998) (Cleveland’s high volume of reports and requests does not exempt it from acting with the requisite promptness.).

{¶30} With regard to body-worn camera footage, the need for video redaction software is foreseeable during every police department's planning, acquisition, training, and implementation of a body-worn camera program. Moreover, passage of specific body-worn and dashcam recording legislation in 2017, of which Chief Lafferty was clearly aware (Response, Lafferty Aff. at ¶ 9), provides exemptions for "portions of" such audio/video recordings, clearly presupposing the necessity of editing. The basis for the language in *Andrews* is the long-standing statutory requirement that

a public office or the person responsible for public records shall organize and maintain public records in a manner that they can be made available for inspection or copying in accordance with division (B) of this section.

R.C. 149.43(B)(2). This implicitly includes maintenance of the means to redact records of whatever format. The statute does not permit a public office to wait for the first request for a category or format of record before acquiring the means to provide them in compliance with the Public Records Act. Failure to organize and maintain video records so they can be made available for inspection or copying when requested is not a valid excuse for delay.

{¶31} Finally, a public office may not exceed the time needed by claiming continuing "review," without justification. See *State ex rel. Warren Newspapers v. Hutson*, 70 Ohio St.3d 619, 623-624, 640 N.E.2d 174 (1994). See generally *Snyder-Hill v. OSU Office of Univ. Compliance & Integrity*, Ct. of Cl. No. 2020-00308, 2020-Ohio-4957, ¶ 14-17. Separate from the claimed technical difficulty in producing copies of body-worn camera records, the NBPD requests included easily copied call logs and police reports for specific addresses and dates which could have been, but were not, provided in far less than three months. Compare *State ex rel. Shaughnessy v. Cleveland*, 149 Ohio St.3d 612, 2016-Ohio-8447, 76 N.E.3d 1171, ¶ 8-22 ("While 31 business days may appear to stretch the outer limits of reasonableness," response times of twelve to 31 days to respond to convoluted and voluminous requests for police incident reports were found

reasonable.). Respondents offered no justification why the easier portions of the requests here could not be processed and provided within a matter of days. Even had respondents shown that some particular record required unusual time to review or otherwise process, the special master finds that respondent's failure to produce *any* of the requested records prior to the filing of the complaint was unreasonable and constituted a violation of R.C. 149.43(B)(1).

### **Conclusion**

{¶32} Based on the pleadings, affidavits, and documents submitted in this action, the Special Master recommends the court find the claims for production of records are now moot, and that requesters have not shown by clear and convincing evidence that any additional responsive records exist, with one exception. The Special Master recommends the court find that respondents failed to produce several existing records responsive to the request for procedures on handling complaints against NBPD officers. The Special Master further recommends the court find respondent violated R.C. 149.43(B)(1) by not producing the records that it did provide within a reasonable period of time. It is recommended requesters be entitled to recover from respondent the amount of the filing fee of twenty-five dollars and any other costs associated with the action that were incurred by requesters, and that court costs be assessed to respondent.

{¶33} *Pursuant to R.C. 2743.75(F)(2), either party may file a written objection with the clerk of the Court of Claims of Ohio within seven (7) business days after receiving this report and recommendation. Any objection shall be specific and state with particularity*

*all grounds for the objection. A party shall not assign as error on appeal the court's adoption of any factual findings or legal conclusions in this report and recommendation unless a timely objection was filed thereto. R.C. 2743.75(G)(1).*

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JEFF CLARK  
Special Master

Filed July 26, 2022  
Sent to S.C. Reporter 8/22/22