

IN THE COURT OF CLAIMS OF OHIO

IN RE: CHANDLER M. CHILDRESS

KIMBERELY ANN CHILDRESS
JOHN CHILDRESS, III

Applicants

Case No. 2023-00631VI

Judge Lisa L. Sadler

ORDER

{¶1} On December 15, 2023, a hearing was held in this matter before a Magistrate of this court. On January 9, 2024, the Magistrate issued a Decision wherein she found that applicants Kimberly and John Childress failed to file their application within three years of the death of the decedent and that no exception to the statute of limitations found in R.C. 2743.60(A)(2)(a) applied to their claim. Accordingly, the Magistrate concluded that the Final Decision of the Attorney General (“AG”) as it pertains to Kimberly and John was reasonable and lawful and recommended that it be AFFIRMED, in part. However, the Magistrate further found that the decedent’s daughter, claimant A.N.C., was a minor, and thus, her claim was timely filed pursuant to R.C. 2743.60(A)(2)(b) and applicable case law. Therefore, the Magistrate concluded that the Final Decision of the AG as it pertains to A.N.C.’s claim was not reasonable or lawful and recommended that it be REVERSED, in part. The magistrate recommended that the claim be remanded to the AG for further investigation and a new Finding of Fact and Decision regarding the dependency claim of A.N.C. and any possible dependent’s economic loss and dependent’s replacement services loss incurred as a result of the decedent’s death.

{¶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).” No objections were filed.

{¶3} Upon review of the claim file, and the Magistrate's Decision, it is the Court's finding that the Magistrate was correct in her analysis of the issues and application of the law. Accordingly, this Court adopts the Magistrate's Decision and recommendation as its own.

IT IS HEREBY ORDERED THAT

{¶4} The January 9, 2024 Decision of the Magistrate is ADOPTED;

{¶5} This claim is REMANDED for further investigation of A.N.C.'s claim;

{¶6} Pursuant to R.C. 2743.61(B) and the magistrate's recommendation, judgment is entered for applicants;

{¶7} Costs assumed by the reparations fund.

LISA L. SADLER
Judge