

IN THE COURT OF CLAIMS OF OHIO

MARK GRIFFIN, SR

Plaintiff

v.

OHIO DEPARTMENT OF
REHABILITATION AND CORRECTION

Defendant

Case No. 2024-00577JD

Judge Lisa L. Sadler
Magistrate Adam Z. Morris

JUDGMENT ENTRY

{¶1} Plaintiff brought this action against Defendant, Ohio Department of Rehabilitation and Correction (ODRC). The case went to trial on one claim of negligence before a magistrate of this Court. Upon the close of Plaintiff's case-in-chief, Defendant moved for dismissal pursuant to Civ.R. 41(B)(2). The Magistrate granted the Defendant's motion and on September 26, 2025 issued a Decision recommending judgment in favor of Defendant. On October 9, 2025, Plaintiff filed objections to the Magistrate's Decision. Defendant did not file a response to Plaintiff's objections. For the reasons set forth below, the Court overrules Plaintiff's objections and adopts the Magistrate's Decision as its own.

I. Background

{¶2} On September 23, 2025, a trial was held before the Magistrate. According to the Decision, Plaintiff was an inmate under custody and control of Defendant ODRC. Plaintiff testified that a neighboring inmate set fire to his own cell, and that smoke and fire-extinguisher residue entered Plaintiff's cell through the ventilation system. He further testified that, because the white powder from the fire extinguisher continued to linger in his cell, he asked to be moved and to receive medical attention, but those requests were denied, and he remained in the same cell for approximately five days.

The Magistrate found that the “greater weight of Plaintiff’s testimony” established that Plaintiff’s claimed injury was an exacerbation of his sarcoidosis, including issues with his lungs and breathing, caused by being confined to his cell for five days following the fire. Plaintiff did not call any other witnesses. The Magistrate admitted three of Plaintiff’s exhibits into evidence, but sustained objections to exclude six additional exhibits presented by Plaintiff.

{¶3} Following the conclusion of Plaintiff’s case-in-chief, Defendant moved for dismissal pursuant to Civ.R. 41(B)(2). Because the Magistrate found that Plaintiff failed to present evidence establishing a right to relief on his negligence claim, Defendant’s motion was granted. The Magistrate determined that although Plaintiff testified about his alleged exposure to smoke and fire-extinguisher residue and claimed it aggravated his sarcoidosis, he presented no expert medical testimony linking the exposure to his injuries. As the nature of the alleged harm involved complex medical issues beyond common knowledge, the absence of expert proof left Plaintiff’s claim speculative and insufficient as a matter of law.

II. Plaintiff’s Objections do not Comport with Requirements Contained in Civ.R. 5.

{¶4} Upon review, the Court finds that Plaintiff’s objections are not properly before the Court for consideration. Civ.R. 5(A) provides that every paper subsequent to the original complaint, absent an applicable exception, “shall be served upon each of the parties.” Additionally, any “served document shall be accompanied by a completed proof of service which shall state the date and manner of service” Civ.R. 5(B)(4). Civ.R. 5(B)(2)(c) permits service by mailing to “the person’s last known address by United States mail.” Further, the Court is not permitted to consider any document filed with the Court “until proof of service is endorsed thereon or separately filed.” *Thomas v. Ohio Dept. of Mental Health*, Ct. of Cl. No. 2015-00487, 2017-Ohio-7525, ¶ 9, quoting Civ.R. 5(B)(4).

{¶5} Furthermore, it is well-settled that “a party’s failure to follow the procedural requirement of Civ.R. 5 when filing objections to a magistrate’s decision is tantamount to a failure to file objections.” *Id.* at ¶ 10. Accordingly, “this court may proceed as if no objections have been filed” at all. *Id.* Here, although Plaintiff’s objections contain a

certificate of service stating they were sent to counsel for Defendant, the certificate does not identify the mailing address to which they were sent. Consequently, the Court finds that Plaintiff's filing is equivalent to having filed no objections at all, as it fails to comply with the requirements contained within Civ.R. 5.

{¶6} However, even if Plaintiff's objections were properly before this Court for consideration, the Court finds no basis to reverse or modify the Magistrate's Decision.

III. Standard of Review

{¶7} In reviewing the objections, the Court does not act as an appellate court but rather conducts "a de novo review of the facts and conclusions in the magistrate's decision." *Ramsey v. Ramsey*, 2014-Ohio-1921, ¶ 17 (10th Dist.) (internal citations omitted). Objections "shall be specific and state with particularity all grounds for objection." Civ.R. 53(D)(3)(b)(ii). They must be supported "by a transcript of all the evidence submitted to the magistrate relevant to that finding or an affidavit of that evidence if the transcript is not available." Civ.R. 53(D)(3)(b)(iii).

{¶8} The Court notes that Plaintiff failed to provide either a transcript of the proceedings or an affidavit of the evidence to support his objections. When an objecting party fails to properly support his objections with a transcript or affidavit, "the trial court must accept the magistrate's factual findings and limit its review to the magistrate's legal conclusions." *Triplett v. Warren Corr. Inst.*, 2013-Ohio-2743, ¶ 13 (10th Dist.). Plaintiff offers no explanation for failing to provide a transcript or an affidavit. Accordingly, the Court limits its review to the Magistrate's legal conclusions.

IV. Plaintiff's Objections

{¶9} Plaintiff raises several objections to the Magistrate's Decision. He asserts that the Magistrate was biased and prejudiced against him, that the Magistrate improperly excluded several of his exhibits from evidence, and that the Magistrate failed to recognize Defendant's duty of care arising from its custodial relationship with him. Plaintiff also claims that the Magistrate dismissed the case improperly under Civ.R. 41(B)(2) and that the decision as a whole reflects a misapplication of the law and mischaracterization of the facts.

{¶10} The Court first notes that several of Plaintiff's objections are conclusory and do not identify specific factual findings or legal conclusions as required by Civ.R. 53(D)(3)(b)(ii). Ohio courts consistently hold that vague or generalized objections are insufficient to invoke meaningful review; see *State ex rel. Williams v. Ohio Adult Parole Auth.*, 2023-Ohio-850, ¶ 3 (10th Dist.). To the extent Plaintiff's objections allege bias or dispute the Magistrate's description of testimony or admission of trial exhibits, those objections are factual in nature and require this Court's review of the trial transcript to adjudicate. As previously stated, because Plaintiff failed to file a transcript, the Court must accept the Magistrate's factual findings as true and limit its review to questions of law. *Triplett v. Warren Corr. Inst.*, 2013-Ohio-2743, ¶ 13 (10th Dist.)

{¶11} None of Plaintiff's objections demonstrate legal error. The Magistrate's Decision contains no evidence of judicial bias or prejudice. Adverse rulings, without more, do not establish bias. *In re Disqualification of Fuerst*, 2012-Ohio-6344, ¶ 14. Likewise, Plaintiff's contention that the Magistrate failed to recognize Defendant's duty of care is unfounded. The Magistrate expressly acknowledged that ODRC owes inmates a duty of reasonable care but concluded that Plaintiff failed to establish proximate causation—an essential element of negligence.

{¶12} Plaintiff's objection to the dismissal procedure also lacks merit. The Magistrate's decision reflects a standard application of Civ.R. 41(B)(2) and relevant authority regarding expert medical proof. Although Plaintiff testified that smoke and fire-extinguisher residue aggravated his sarcoidosis, he offered no expert medical testimony establishing a causal connection between the alleged exposure and his claimed injury. Because such questions involve complex medical issues beyond common knowledge, expert testimony was required to establish proximate cause. See *Wright v. Columbus*, 2006-Ohio-759, ¶ 19 (10th Dist.); *Schadhauser v. ODRC*, 2018-Ohio-3282, ¶ 11-12 (10th Dist.). In the absence of such proof, the Magistrate properly determined that Plaintiff failed to establish a right to relief, and dismissal under Civ.R. 41(B)(2) was warranted. Furthermore, while Plaintiff asserts that the Magistrate dismissed the case "solely based on his own findings," the Decision clearly states that Defendant moved for dismissal, which the Magistrate granted after considering the evidence. Accordingly, the Court finds no error in the Magistrate's application of Civ.R. 41(B)(2) or in the conclusion that Plaintiff

failed to meet his evidentiary burden.

{¶13} Accordingly, even if Plaintiff had fully complied with Civ.R. 5, each of Plaintiff's objections fails either because it is procedurally unsupported, fact-based and therefore unreviewable due to Plaintiff's failure to file a transcript or an affidavit of evidence, or legally insufficient to demonstrate error.

Conclusion

{¶14} The Court finds that Plaintiff's failure to comply with the requirements of Civ.R. 5 resulted in his failure to file objections to the Magistrate's Decision. Even if Plaintiff's objections were properly before the Court for consideration, the Court finds the Magistrate properly determined the factual issues and appropriately applied the law in this case. Accordingly, the Court adopts the Magistrate's Decision as its own. Judgment is rendered in favor of Defendant ODRC. 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.

LISA L. SADLER
Judge