

IN THE COURT OF CLAIMS OF OHIO

ERNEST CEPHAS

Plaintiff

v.

OHIO DEPARTMENT OF
REHABILITATION AND CORRECTION

Defendant

Case No. 2024-00825JD

Judge Lisa L. Sadler
Magistrate Gary Peterson

JUDGMENT ENTRY

{¶1} Plaintiff brought this negligence claim against the Ohio Department of Rehabilitation and Correction (ODRC) stemming from an April 9, 2023 attack while he was incarcerated at Lebanon Correctional Institution (LeCI). Prior to trial, ODRC stipulated that its employees breached the duty of care owed to plaintiff and that this breach caused harm to plaintiff. Therefore, on January 14, 2026, the magistrate held a trial solely on the issue of damages. On January 28, 2026, the magistrate issued a decision recommending judgment be entered for plaintiff in the amount of \$175,025.00: \$175,000.00 in compensatory damages, and \$25.00 for the filing fee. On February 2, 2026, plaintiff timely filed objections to the magistrate’s decision. ODRC did not file its own objections or 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.

{¶2} As an initial matter, on March 4, 2026, plaintiff filed a “Motion to Supplement Objections with Memorandum in Support”. Plaintiff argues that Civ.R. 15 allows a party to submit supplemental pleadings, that the court has discretion to permit supplemental briefing, and that allowing his supplemental memorandum will not prejudice the state. ODRC did not file a response. Plaintiff’s motion is not well taken. Civ.R. 15 applies to pleadings, not objections. Civ.R. 53(D)(3)(b), which applies to objections to a magistrate’s decision, allows a party to object to a magistrate’s decision “within fourteen

days of the filing of the decision”. Plaintiff exercised this right when he filed objections on February 2, 2026. Plaintiff did not seek to supplement his objections until March 4, 2026, thirty-five days after the magistrate’s decision, and did not seek an extension of time. Therefore, the court DENIES plaintiff’s motion to supplement objections.

Standard of Review

{¶3} 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). 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.). Here, plaintiff failed to provide a transcript or an affidavit. Accordingly, the court limits its review to the magistrate’s legal conclusions.

Background

{¶4} Plaintiff did not file a transcript of the trial before the magistrate. The court therefore accepts the facts as found by the magistrate and limits its review to the magistrate’s legal conclusions. *Triplett* at ¶ 13. Based on the evidence presented at trial, the magistrate found the following facts in his January 28, 2026 decision.

{¶5} On April 9, 2023, approximately 8 inmates attacked plaintiff in his cell for approximately 90 minutes. One inmate used a weapon to cut plaintiff while another hit plaintiff in the head with a lock in a sock. Plaintiff lost consciousness during the course of his assault. When he regained consciousness, he attempted to escape but was pulled back into the cell where he was punched and kicked repeatedly and again struck with the lock in a sock. The other inmates bound plaintiff’s hands to the bed, bound his legs together, and pulled his pants down. The inmates raped plaintiff. By the time LeCI staff

ordered the inmates to exit plaintiff's cell, 90 minutes had elapsed since the start of the attack. When LeCI staff entered plaintiff's cell they found plaintiff tied to his bed, lying in a pool of blood, and bleeding from his head and nose. Plaintiff was taken to Atrium Medical Center (Atrium) and later Ohio State University Medical Center (OSUMC) for treatment and observation.

{¶6} William Harlan, M.D., treated plaintiff after he was transferred from LeCI to Warren Correctional Institution (WCI) and the magistrate found the following facts based on his testimony at trial. Plaintiff did not suffer any intercranial injuries or traumatic injuries to the chest, abdomen, or pelvis. While Atrium noted degenerative bilateral osteoarthritis in the hips, this is from normal wear and tear, not an injury from the attack. Plaintiff suffered a concussion, a nasal fracture, a scalp laceration, and multiple contusions. Less than 10 days after the attack, Harlan examined plaintiff at WCI and noted that plaintiff's head laceration had healed, he had bruising and abrasions on his arms and legs, he did not appear to be in acute pain, and his motor functions were intact. Harlan examined plaintiff over a month later and noted no swelling, a full range of motion, no abrasions, scrapes, or bruising, and consequently no additional treatment was warranted at that time.

{¶7} In his decision, the magistrate noted that plaintiff offered a number of exhibits however, there was no testimony as to their significance or the findings in the records. The magistrate admitted exhibits 1-6 for the sole purpose of showing that plaintiff sought medical care following the attack. In discussing the exhibits, the magistrate explained that plaintiff sent several emails to the court. Some of the emails contained attachments of his trial exhibits. However, the magistrate stated that one of the emails did not contain an attachment but "appears to have been intended to be exhibits 7 and 8". Therefore, the magistrate determined that the court did not receive exhibits 7 and 8. Further, the magistrate noted that Harlan provided the only testimony at trial.

{¶8} The magistrate found that plaintiff failed to present evidence establishing that his hip-replacement surgery was related to the attack. However, the magistrate determined that plaintiff proved damages for pain and suffering for the month of his recovery and for the 90-minute attack itself. The magistrate made a "simple human evaluation" and considered other awards from comparable cases, *Lester v. Ohio Dept. of*

Rehab. & Corr., 2022-Ohio-2729 (Ct. of Cl.) and *Shivers v. University of Cincinnati*, 2005-Ohio-949, ¶ 2 (Ct. of Cl.), to determine the monetary amount to be awarded. *Fantozzi v. Sandusky Cement Prods. Co.*, 64 Ohio St.3d. 601, 612, (1992); *Hohn v. Ohio Dept. of Mental Retardation & Developmental Disabilities*, 1993 Ohio App. LEXIS 6023, 10-11 (10th Dist. Dec. 14, 1993).

Objections

{¶9} Plaintiff raises seven objections: (1) error in application of law, (2) failure to include orthopedic findings and medical notes, (3) failure to properly weigh medical evidence, (4) decision against the manifest weight of the evidence, (5) failure to address pain, suffering, and long-term damages, (6) failure to consider exhibits 7 and 8¹ despite same-day service, and (7) improper reliance on non-comparable cases to minimize damages.

Objection One: Error in Application of Law

{¶10} Plaintiff's first objection simply states, "[t]he Magistrate failed to properly apply controlling law to the undisputed facts, including admitted liability and staff neglect." Objections, p. 1. Pursuant to Civ.R. 53(D)(3)(b)(ii), objections must "be specific and state with particularity all grounds for objection." Plaintiff's first objection is not specific because plaintiff failed to point the court to what particular error the magistrate made. Further, the court finds that the magistrate appropriately applied the law based upon the facts. Therefore, the court OVERRULES plaintiff's first objection.

Objection Two: Failure to Include Orthopedic Findings and Medical Notes

{¶11} Plaintiff's second objection states, "[t]he Magistrate's Decision fails to reference or analyze critical orthopedic findings and medical notes submitted into evidence. These records document permanent injury, ongoing pain, and the need for significant orthopedic care, including hip-related treatment." Objections, p. 1. The magistrate's decision states that plaintiff's exhibits 1-6 were admitted for the sole purpose

¹ While plaintiff calls these exhibits G and H, the court will refer to them as the magistrate did, as exhibits 7 and 8.

of showing that he sought medical treatment. Further, the decision states that no witnesses testified as to the contents or significance of these exhibits. As noted above, exhibits 7 and 8 were not received by the court.

{¶12} In the absence of a transcript, the court presumes the regularity and validity of the trial procedures. See *Knapp v. Edwards Labs*, 61 Ohio St.2d 197, 199 (1980) (“When portions of the transcript necessary for resolution of assigned errors are omitted from the record, the reviewing court has nothing to pass upon and thus, as to those assigned errors, the court has no choice but to presume the validity of the lower court’s proceedings, and affirm.”); see also *Yaklevich v. Dinneen*, 2021-Ohio-4531 (10th Dist.). Here, because plaintiff did not submit a transcript, the court presumes that plaintiff’s exhibits were properly admitted for the sole purpose of showing that he sought medical treatment, as the magistrate explained in his decision. Therefore, plaintiff’s second objection is OVERRULED.

Third Objection: Failure to Properly Weigh Medical Evidence

{¶13} Plaintiff’s third objection states, “[t]he magistrate did not give appropriate weight to trauma records, emergency treatment records, or medical documentation supporting PTSD and long-term injury.” Objections, p. 1. The magistrate is in the best position to determine weight and credibility. See *Seasons Coal Co. v. Cleveland*, 10 Ohio St.3d 77, 80, 461 N.E.2d 1273 (1984) (“the trial judge is best able to view the witnesses and observe their demeanor, gestures and voice inflections, and use these observations in weighing the credibility of the proffered testimony”). Here, the magistrate found that Harlan’s testimony regarding plaintiff’s condition was credible. Further, the magistrate found that plaintiff failed to provide credible evidence of long-term injury or lasting effects. Because plaintiff has not provided a transcript of the trial, the court must accept the magistrate’s factual findings. *Triplett*, 2013-Ohio-2743, ¶ 13 (10th Dist.). Upon review and based on the magistrate’s factual findings, the court agrees with the weight the magistrate gave to Harlan’s testimony. Therefore, the court OVERRULES plaintiff’s third objection.

Fourth Objection: Decision Against the Manifest Weight of the Evidence

{¶14} Plaintiff's fourth objection states, "[t]he recommended outcome is against the manifest weight of the evidence presented at trial." Objections, p. 1. The magistrate is in the best position to determine weight and credibility. See *Seasons Coal Co. v. Cleveland*, 10 Ohio St.3d 77, 80, 461 N.E.2d 1273 (1984) ("the trial judge is best able to view the witnesses and observe their demeanor, gestures and voice inflections, and use these observations in weighing the credibility of the proffered testimony"). "Judgments supported by competent, credible evidence . . . will not be reversed by a reviewing court as being against the manifest weight of the evidence." *Longmire v. Danaci*, 2020-Ohio-3704, ¶ 46 (cleaned up). Here, the magistrate determined that plaintiff failed to present evidence linking his physical injuries to the attack. Because plaintiff has not provided a transcript of the trial, the court must accept the magistrate's factual findings. *Triplett*, ¶ 13. Based on the magistrate's factual findings, the court finds that the magistrate's decision is supported by competent, credible evidence. Therefore, the court OVERRULES plaintiff's fourth objection.

Fifth Objection: Failure to Address Pain, Suffering, and Long-Term Damages

{¶15} Plaintiff's fifth objection states: "The magistrate failed to adequately address past and future pain and suffering, permanent impairment, future medical needs, and loss of quality of life." Objections, p. 1. The court finds that the magistrate's decision addressed pain and suffering and awarded damages for the pain and suffering demonstrated by the evidence presented at trial. Because a transcript was not provided, the court will look only at how the magistrate addressed pain, suffering, and long-term damages in light of the facts found by the magistrate. *Triplett*, at ¶ 13. The court finds that the magistrate's analysis of pain, suffering, and long-term damages was appropriate based on the limited evidence presented at trial. Therefore, plaintiff's fifth objection is OVERRULED.

Sixth Objection: Failure to Consider Exhibits 7 and 8 Despite Same-Day Service

{¶16} In his sixth objection plaintiff argues that the magistrate erred when he failed to consider plaintiff's exhibits 7 and 8, because plaintiff provided defendant with the exhibits on the day of trial. Plaintiff asserts that because there was no motion to strike,

the exhibits were part of the evidentiary record and should not have been excluded by the magistrate. However, this assertion runs contrary to the magistrate's account of the trial proceedings.

{¶17} In the absence of a transcript, the court presumes the regularity and validity of the trial procedures. See *Knapp v. Edwards Labs*, 61 Ohio St.2d 197, 199 (1980), see also *Yaklevich v. Dinneen*, 2021-Ohio-4531 (10th Dist.). Here, because plaintiff did not submit a transcript, the court presumes that the exhibits that the magistrate said were admitted at trial were the only exhibits that could be admitted at trial. The magistrate found that exhibits 7 and 8 were never received by the court, therefore, the magistrate correctly found that they could not be submitted into evidence. Plaintiff's sixth objection is OVERRULED.

Seventh Objection: Improper Reliance on Non-Comparable Cases to Minimize Damages

{¶18} In his last objection, plaintiff argues that the magistrate erred in relying on cases that were "not factually or legally comparable to the severity of" plaintiff's case. Objections, p. 2. Specifically, plaintiff states that none of the cases the magistrate cited to involved "an actual sexual assault carried out by multiple attackers". *Id.* Plaintiff asserts that recommending an award based on the two cases magistrate cited when the magistrate acknowledged that the conduct in this case was ghastlier, "constitutes an improper comparative analysis and fails to scale damages in proportion to the extreme nature of the harm suffered." *Id.*

{¶19} In determining damages, "a court may consider awards given in comparable cases as a point of reference . . . but ultimately must evaluate each case in light of its own particular facts." *Hohn v. Ohio Dept. of Mental Retardation & Developmental Disabilities*, 1993 Ohio App. LEXIS 6023, 10 (10th Dist. Dec. 14, 1993) (internal citations omitted). The magistrate in this case referred to two cases that he describes as "somewhat comparable" in determining damages; however, he ultimately made a human evaluation of the facts to come to the award. Therefore, after reviewing the comparable cases, the court finds that the magistrate appropriately used comparable cases to inform his calculation of damages. The court OVERRULES plaintiff's seventh objection.

Conclusion

{¶20} For the above stated reasons, the court finds that the magistrate appropriately applied the law in this case. The court OVERRULES all of plaintiff's objections. Therefore, the court adopts the magistrate's decision as its own. Judgment is rendered in favor of plaintiff in the amount of \$175,025.00. Court costs are assessed against defendant. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

LISA L. SADLER
Judge

Filed April 24, 2026
Sent to S.C. Reporter 5/12/26