

IN THE COURT OF CLAIMS OF OHIO

RYAN D. HOBBS

Requester

v.

WARREN COUNTY EMERGENCY
SERVICES

Respondent

Case No. 2026-00331PQ

Judge Lisa L. Sadler

DECISION AND ENTRY

{¶1} Requester Ryan D. Hobbs, a self-represented litigant, has filed written objections to a special master’s report and recommendation in this public-records case. Respondent Warren County Emergency Services has not filed written objections to the report and recommendation. Neither has respondent Warren County Emergency Services filed a response to requester Hobbs’ written objections. Requester Hobbs’ written objections are before the court for determination. Because requester’s objections lack merit, they shall be overruled.

I. Background and Procedural History

{¶2} On March 30, 2026, pursuant to R.C. 2743.75(D), requester Hobbs filed a complaint against respondent Warren County Emergency Services, alleging he was denied access to public records in violation of R.C. 149.43(B).¹ The clerk appointed a

¹ The special master provides the following background underlying this case in the report and recommendation:

Requester Ryan D. Hobbs was indicted in October 2007 on several criminal charges. See *Req. Motion to Strike*, filed Jun. 26, 2026, p. 3-4 (referring to criminal case and later proceedings); *State v. Hobbs*, 2013-Ohio-3089, ¶ 4 (12th Dist.). After plea negotiations, Requester pled guilty to two lesser charges. *Hobbs*, 2013-Ohio-3089, ¶ 4.

This plea spawned extensive litigation in the subsequent decades. *Req. Motion to Strike*, p. 3-4. This litigation included a federal civil lawsuit and state motions to overturn the original guilty plea. *Hobbs*, 2013-Ohio-3089, ¶ 5; *Hobbs v. Faulkner*, 2018U.S. Dist. LEXIS 150590, at *6 (S.D. Ohio Sep. 4, 2018).

special master who referred the case to mediation. After mediation failed to resolve all disputed issues between the parties, the case was returned to the special master's docket where a briefing schedule for the presentation of evidence and argument was issued by the special master.

{¶3} The parties thereafter engaged in motion practice before the special master. Requester moved to stay proceedings (a request that the special master denied), requester moved to consolidate this case with Ct. of Cl. No. 2026-00332PQ (a request that the special master denied), respondent moved to dismiss requester's complaint pursuant to Civ.R. 12(B)(6), requester moved to correct and resubmit evidence; and requester moved to strike respondent's Civ.R. 12(B)(6) motion and for a show-cause order.

{¶4} On July 23, 2026, the special master issued a report and recommendation (R&R) in which the special master recommends (1) dismissing this case pursuant to R.C. 2743.75(D)(2), (2) denying, as moot, respondent's motion to dismiss, (3) denying requester's motion to strike, (4) granting requester's motion to resubmit his evidence, and (5) ordering requester to bear the costs of this case. (R&R, 5.)

{¶5} On July 30, 2026, requester filed written objections to the special master's report and recommendation (which is captioned "Motion In Opposition To Special Master's Report and Recommendations"). In a certificate of service accompanying requester's objections, requester certifies that a copy of his filing was sent by U.S. certified mail, returned receipt requested, to respondent's counsel.

{¶6} On August 3, 2026, a magistrate of this court issued an order that directed requester to file, within five business days of the date of the entry (i.e., by August 10, 2026), "a copy of either the certified mail receipt or the return receipt that was completed on delivery." On August 10, 2026, requester filed a motion with accompanying documentation showing proof of service.²

² Since requester complied with the magistrate's order of August 3, 2026, requester's motion of August 10, 2026, is essentially moot. See *Tassone v. Tassone*, 2021-Ohio-4063, ¶ 19 (10th Dist.). ("[m]oot issues involve no actual genuine live controversy, the decision of which can definitely affect existing legal relations").

{¶7} Requester's objections are before the court for a final order in accordance with R.C. 2743.75(F)(2). See R.C. 2743.75(F)(2) (providing that this court. "within seven business days after the response to the objection is filed, shall issue a final order that adopts, modifies, or rejects the report and recommendation").

II. Law and Analysis

A. Legal standard

{¶8} The General Assembly, as the legislative branch of Ohio government, is the ultimate arbiter of policy considerations relevant to Ohio public-records laws. *Kish v. City of Akron*, 2006-Ohio-1244, ¶ 44. Through the enactment of R.C. 2743.75 the General Assembly created an alternative means to resolve public-records disputes. *Welsh-Huggins v. Jefferson Cty. Prosecutor's Office*, 2020-Ohio-5371, ¶ 11. See R.C. 2743.75(A).

{¶9} R.C. 2743.75 "provides for 'an expeditious and economical procedure that attempts to resolve disputes alleging a denial of access to public records' in violation of R.C. 149.43(B)." *Kidd v. City of Wilmington*, 2026-Ohio-978, ¶ 14 (12th Dist.); *Law Office of Josh Brown, LLC v. Ohio Secy. of State*, 2025-Ohio-2130, ¶ 9 (10th Dist.). See R.C. 2743.75(A). To accomplish this goal, R.C. 2743.75 "lays out a streamlined litigation procedure[.]" *Kidd* at ¶ 14; *Law Office of Josh Brown, LLC* at ¶ 9.

{¶10} Under Ohio law a requester "must establish entitlement to relief in an action filed in the Court of Claims under R.C. 2743.75 by clear and convincing evidence." *Viola v. Cuyahoga Cty. Prosecutor's Office*, 2021-Ohio-4210, ¶ 16 (8th Dist.), citing *Hurt v. Liberty Twp.*, 2017-Ohio-7820, ¶ 27-30 (5th Dist.). See *Welsh-Huggins* at ¶ 32. It is a requester's burden to prove, by clear and convincing evidence, that the requested records exist and are public records maintained by a respondent. See *State ex rel. Cordell v. Paden*, 2019-Ohio-1216, ¶ 8. See also *Cross v. Ledford*, 161 Ohio St. 469 (1954) (paragraph three of the syllabus) (holding that "[c]lear and convincing evidence is that measure or degree of proof which is more than a mere 'preponderance of the evidence,' but not to the extent of such certainty as is required 'beyond a reasonable doubt' in criminal cases, and which will produce in the mind of the trier of facts a firm belief or conviction as to the facts sought to be established"); *State ex rel. Cincinnati Enquirer v. Deters*, 2016-Ohio-8195, ¶ 19, quoting *State ex rel. McCaffrey v. Mahoning Cty.*

Prosecutor's Office, 2012-Ohio-4246, ¶ 16 (“[a]lthough the Public Records Act is accorded liberal construction in favor of access to public records, ‘the relator must still establish entitlement to the requested extraordinary relief by clear and convincing evidence’”).

{¶11} A public-records custodian has the burden to establish the applicability of an exception to disclosure of a public record. *State ex rel. Cincinnati Enquirer v. Jones-Kelley*, 2008-Ohio-1770, paragraph two of the syllabus. In *Jones-Kelley*, the Supreme Court of Ohio held:

Exceptions to disclosure under the Public Records Act, R.C. 149.43, are strictly construed against the public-records custodian, and the custodian has the burden to establish the applicability of an exception. A custodian does not meet this burden if it has not proven that the requested records fall squarely within the exception. (*State ex rel. Carr v. Akron*, 112 Ohio St.3d 351, 2006-Ohio-6714, 859 N.E.2d 948, ¶ 30, followed.)

Kelley at paragraph two of the syllabus.

B. Discussion

{¶12} Under R.C. 2743.75(F)(2) a party's objections to a special master's report and recommendation are required to be “specific and state with particularity all grounds for the objection.” See R.C. 2743.75(F)(2). Requester presents four (4) objections for the court's consideration:

- I. THE SPECIAL MASTER SIMPLY COPIED AND PASTED THE EXACT WORDING FROM CASE NO. 2026-00332PQ CURRENTLY PENDING BEFORE THIS COURT ON A MOTION OPPOSING THE REPORT AND RECOMMENDATIONS, UNDER SECTION B. REQUESTER IS NOT ENTITLED TO RELIEF AND C. COSTS, AND INSERTED THIS COPIED TEXT INTO THIS LAWSUIT UNDER SUBSECTION B AND C, TO FORM AFFIRMATIVE DEFENSES ON BEHALF OF A PARTY TO DISMISS MY CASE, SHE ACTUALLY DISMISSED MY CASE ON BEHALF OF THE OTHER PARTY, WHERE RESPONDENT NEVER ASSERTED ANY AFFIRMATIVE

DEFENSES AND IS FOREVER WAIVED AND FORFEITED, AND SERVICE WAS PROPERLY SERVED.

- II. THE “SPECIAL MASTER” VIOLATED HER OWN COURT ORDER WHICH HAS CAUSED UNECESSARY AND EXTENDED DELAYS IN THE RESOLUTION OF THIS CASE AND PREJUDICED THE REQUESTER AND THIS COURT MUST ORDER THE RECORDS BE PRODUCED.
- III. WARREN CO. EMERGENCY SERVICES HAS THE RESPONSIVE RECORDS AND MUST BE DISCLOSED TO ME.
- IV. THE SPECIAL MASTERS RECOMMENDATIONS TO THIS COURT NOT TO STRIKE THE RESPONDENT’S ANSWER AND SANCTIONS UNDER CIV.R. 11 IS COMPLETELY AND UTTERLY BASELESS IN LAW AND IN FACT AND MUST BE REJECTED IN WHOLE.

Requester asks the court “to reject in whole the entirety of the Special Master’s Report and Recommendation filed in this Court on July 23, 2026 as completely baseless in law and in fact.”

{¶13} For ease of analysis, the court shall consider some of requester’s objections together.

{¶14} By the first objection, requester essentially challenges the wording of the special master’s report and recommendation, suggests that the special master acted in a biased manner by asserting affirmative defenses that respondent had not raised, and contends that the special master’s analysis is flawed. Requester’s first objection is unpersuasive.

{¶15} “A special master—also termed magistrate; referee; commissioner; or hearing officer—is defined as a judicial officer, usually an attorney, ‘who serves in an appointive capacity at the pleasure of an appointing judge, and whose actions and decisions are reviewed by that judge.’ [*Black’s Law Dictionary* 1257 (10th Ed. 2014)].” *Gannett GP Media, Inc. v. Ohio Dept. of Pub. Safety*, 2017-Ohio-4248, ¶ 16 (Ct. of Cl.).

As a judicial officer, a special master is presumed to follow the law and be unbiased, and the appearance of bias or prejudice to overcome these presumptions is required to be compelling. See *Simmons v. Goodwill Indus. (In re George)*, 2003-Ohio-5489, ¶ 5 (“[a] judge is presumed to follow the law and not to be biased, and the appearance of bias or prejudice must be compelling to overcome these presumptions”).

{¶16} Division (F)(1) of R.C. 2743.75 requires a special master to “submit to the court of claims a report and recommendation based on the ordinary application of statutory law and case law as they existed at the time of the filing of the complaint.” See R.C. 2743.75(F)(1). A review of the report and recommendation shows that the special master has complied with R.C. 2743.75(F)(1), as the report and recommendation is based on the ordinary application of statutory and case law as they existed at the time that requester filed the complaint in this case. Based on the court’s independent review, the court agrees with the special master’s conclusion that requester has failed to support his claim for public records by clear and convincing evidence. Despite requester’s suggestion of bias in favor of respondent, the court finds that, based on the court’s independent review, requester has not overcome the presumption that the special master was not biased or prejudiced in this matter. And, despite requester’s criticism about the special master’s “copy[ing] and past[ing]” from another report and recommendation, even if the special master “copied and pasted,” judicial “copying and pasting” is not intrinsically unethical. See, e.g., *Cojocar v. British Columbia Women’s Hospital and Health Centre*, 2013 SCC 30, [2013] 2 S.C.R. 357, ¶ 50 (Sup. Ct. of Canada) (observing that “judicial copying is a long-standing and accepted practice, yet one that, carried to excess, may raise problems”); Alain Roussy, *Case Comment: Cut-And-Paste Justice: A Comment On Cojocar v. British Columbia Women’s Hospital And Health Centre*, 52 Alberta L. Rev. 761 (2015). Based on the court’s review, the court finds no evidence indicating that the special master failed to review all submitted evidence, no evidence that the special master did not make an independent decision based on the evidence and the law, and no evidence that the special master made recommendations with partiality or bias.

{¶17} Requester’s first objection shall be overruled.

{¶18} By the second objection, requester maintains that the special master unnecessarily delayed resolution of this case, which, in turn, prejudiced requester, with

the result that respondent should be ordered to produce records sought by requester. By the fourth objection, requester maintains that the special master's recommendation to deny requester's motion to strike "is completely and utterly baseless in law." Requester's second and fourth objections are not persuasive.

{¶19} Under R.C. 2743.75(E)(2), except for a motion to dismiss, "[n]o further motions or pleadings shall be accepted by the clerk of the court of claims or by the special master assigned by the clerk under [R.C. 2743.75(D)(2)] unless the special master directs in writing that a further motion or pleading be filed." A review of the docket shows that, without leave, requester filed a motion to stay proceedings, requester filed a motion to consolidate this case with Ct. of Cl. No. 2026-00332PQ, requester filed a motion to correct, and requester moved to strike respondent's motion to dismiss and sought a show-cause order. Requester's contention in the second objection that the special master unnecessarily delayed this case is belied by requester's filing of multiple motions, which required review by the special master, thereby effectively delaying the issuance of a report and recommendation and effectively delaying resolution of this case. Despite requester's claim that the special master "violated her own court order," requester's filing of multiple motions unnecessarily delayed a resolution of this case.

{¶20} With respect to requester's fourth objection, since the special master did not direct requester to submit a motion seeking the striking of respondent's motion to dismiss or for a show-cause order, the special master's recommendation to deny requester's motion to strike is supported by R.C. 2743.75(E)(2) and thus it is not "completely and utterly baseless," as requester urges in the fourth objection. Under R.C. 2743.75(E)(2) the respondent in this case was statutorily permitted to move for dismissal of requester's complaint while this case was before the special master. See R.C. 2743.75(E)(2) (permitting a respondent to file a motion to dismiss).

{¶21} Additionally, in the court's view, requester's speculative averments that respondent should have certain records or that respondent's counsel may have engaged in misconduct provides an insufficient basis for a conclusion that the special master erred when she did not find that requester presented a sufficient basis to strike respondent's motion to dismiss or a sufficient basis to impose sanctions. Based on the court's independent review, the court agrees with the special master's findings that requester

failed to provide the court with a sufficient basis to strike respondent's motion to dismiss or impose sanctions against respondent. (R&R, 3-4.)

{¶22} Requester's second and fourth objections shall be overruled.

{¶23} By the third objection, requester asserts that respondent "has the responsive records and must be disclosed to [him]." Under Ohio law a requester has the burden to prove, by clear and convincing evidence, that the records he seeks exist and that they are public records maintained by respondent. *See State ex. Rel. Cordell v. Paden*, 2019-Ohio-1216, ¶ 8. *See Cross*, 161 Ohio St. at 469 (1954), paragraph three of the syllabus (holding that "[c]lear and convincing evidence is that measure or degree of proof which is more than a mere 'preponderance of the evidence,' but not to the extent of such certainty as is required 'beyond a reasonable doubt' in criminal cases, and which will produce in the mind of the trier of facts a firm belief or conviction as to the facts sought to be established");

{¶24} Here, as noted by the special master,

Respondent informed Requester that it "does not possess any records that are responsive to your request [because a]ny radio dispatch records from August 26, 2002 through August 27, 2007, have been destroyed pursuant to the Warren County Emergency Services retention schedule." *Id.*, p. 18.

(R&R, 2.)

{¶25} In view of respondent's response, and after an independent review, the court concludes that, in this case, plaintiff has not proven by clear and convincing evidence the existence of responsive records that must be disclosed to requester, as requester maintains in his third objection. Requester has thus failed to meet his burden of production. *See Welsh-Huggins v. Jefferson Cty. Prosecutor's Office*, 2020-Ohio-5371, ¶ 21 (noting that the "burden of production" in a civil case "requires that the plaintiff produce sufficient evidence to support the case and that the defendant produce sufficient evidence of any affirmative defenses").

{¶26} Requester's third objection shall be overruled.

III. Conclusion

{¶27} For reasons set forth above, requester's objections are OVERRULED and the special master's report and recommendation issued on July 23, 2026, is ADOPTED. In accordance with the special master's recommendations, the court DISMISSES this case, DENIES, as moot, respondent's motion to dismiss, DENIES requester's motion to strike, GRANTS requester's motion to resubmit his evidence, and ASSESSES court costs to requester. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

LISA L. SADLER
Judge

Filed August 25, 2026
Sent to S.C. Reporter 10/1/26