

IN THE COURT OF CLAIMS OF OHIO

DOUGLAS M. CONFORTI

Requester

v.

MACEDONIA POLICE DEPARTMENT

Respondent

Case No. 2025-00668PQ

Judge Lisa L. Sadler

JUDGMENT ENTRY

{¶1} On January 15, 2026, Requester (Conforti) timely filed objections to the Special Master’s January 2, 2026, Report and Recommendation (R&R). On January 30, 2026, Respondent Macedonia Police Department (MPD) timely filed a response to Conforti’s objections. MPD did not file objections.¹ On January 26, 2026, and February 2, 2026, Conforti filed additional documents without leave from the Court.² For the reasons that follow, the Court **OVERRULES** Conforti’s objections and adopts the R&R as its own.

Background

{¶2} On March 3, 2025, a break-in occurred at a storage facility in Macedonia, Ohio and was reported to MPD. Conforti rents a storage space at this facility. On June 23, 2025, Conforti submitted public records requests to MPD for, among other things, the MPD report and any surveillance videos related to the break-in. On June 25, 2025, MPD provided a redacted copy of the incident and offense report. MPD requested that

¹ In its response to Conforti’s objections, MPD asks that the Court “sua sponte correct the cost determination” in the R&R however, the proper recourse for such alleged error would be to file objections, which MPD did not. Response, p. 8.

² R.C. 2743.75(F) does not allow for additional filings by the objecting party after objections are filed, therefore the Court will not consider these filings in rendering its decision.

Conforti pay for the video in advance of its release to him, Conforti declined. However, the video file, with one redaction, was provided to Conforti, without charge, in October 2025 to help resolve this matter.

{¶3} The Special Master recommended that the Court: (1) deny MPD's motion to dismiss as moot; (2) enter judgment for MPD on Conforti's claims under R.C. 149.43; and (3) order court costs to be split between the parties.

Objections

{¶4} Under R.C. 2743.75(F)(2) any objection to a report and recommendation "shall be specific and state with particularity all grounds for the objection." Conforti's January 15, 2026, objections consisted of 68 pages. Further, Therefore, the Court finds that Conforti's only specific objections are the following.

{¶5} First, Conforti asserts, as to the Special Master's recommendation to deny MPD's motion to dismiss as moot, that "[d]enial is correct, but the reasoning is flawed. A motion is only moot if no controversy remains. The Respondent's continued reliance on a fraudulent 59-minute March 01 video to satisfy a request for a 2.4-hour March 02 video proves a live, ongoing controversy regarding bad faith and evidence tampering." Objections, p. 42.

{¶6} Next, Conforti argues that it is a "legal impossibility" to enter judgment for MPD on his claims under R.C. 149.43 because MPD "admitted to withholding six narrative pages of the incident report for 130 days into active litigation. Providing a 'bogus' video with falsified date during court-ordered mediation is a freestanding violation of the duty of candor that precludes judgment" in favor of MPD. Objections, p. 43.

{¶7} Finally, Conforti asserts that "[b]y ordering the Respondent to pay [costs], the Special Master has made a factual finding that a violation occurred." Objections, p. 43. Conforti argues that because R.C. 2743.75 allows the Court to award costs "if it finds a violation of the Ohio Public Records Act", the Special Master's recommendation to split court costs amounts to a finding that MPD violated R.C. 149.43.

{¶8} In response, MPD argues that Conforti's objections rely on new materials that were not before the Special Master and fail to identify a legal or factual error in the R&R therefore, the Court should overrule the objections.³

Law and Analysis

{¶9} When the Court is reviewing objections to a special master's report and recommendation, "R.C. 2743.75(F)(2) requires this court to function as a reviewing court for the purposes of determining the objections before it." *Gannett GP Media, Inc. v. Ohio Dept. of Pub. Safety*, 2017-Ohio-4248, ¶ 8 (Ct. of Cl.). "[A] reviewing court cannot add matter to the record before it that was not a part of the trial court's proceedings, and then decide the appeal on the basis of the new matter." *Id.*, quoting *State v. Ishmail*, 54 Ohio St.3d 402 (1978). Therefore, to the extent that Conforti included materials attached to his objections that the Special Master excluded or that were not submitted to the Special Master, the Court will not consider them.

{¶10} MPD filed a motion to dismiss this case in lieu of a response to Conforti's complaint. MPD based its motion not on Civ.R. 12(B) grounds but on grounds that the case was rendered moot by MPD's disclosure of the requested records after litigation began. Therefore, because MPD seeks a dismissal based on the merits of the case, the Special Master correctly found that MPD's motion should be considered a response to Conforti's complaint and denied as moot. *Hicks v. Village of Newton*, 2018-Ohio-1540, ¶ 13 (Ct. of Cl.). Further, the Special Master correctly determined that the video produced during the mediation portion of this case satisfied Conforti's request for the surveillance video because the video provided aligns with the description in the MPD report and is over two hours. Accordingly, the Court OVERRULES Conforti's first objection.

{¶11} Under Ohio law, a public records case can be rendered moot by the public office providing the responsive records to the requester during litigation. *State ex rel.*

³ In its Response MPD notes that Conforti failed to serve his objections in accordance with R.C. 2743.75(F)(2). The Court finds that MPD is not prejudiced by the lack of service because it fully responded to the Objections in its Response and the Court sent a copy of Conforti's objections to MPD via Certified Mail that it received on January 21, 2026. Therefore, the Court will consider Conforti's objections.

Striker v. Smith, 2011-Ohio-2878, ¶¶ 17-18, 22. Here, it is undisputed that MPD provided the six additional pages of the police report and the video that was over two hours to Conforti during litigation. Also, to the extent that Conforti argues that 130 days was an unreasonable delay in producing the video, the Special Master correctly determined that MPD was not required to provide a copy of the video without payment. MPD informed Conforti of the cost of the video, which Conforti declined to pay. Thus, MPD was not required to release the video without payment. However, MPD did release the video without payment in an attempt to resolve this matter. Therefore, the Special Master correctly determined that Conforti's complaint was mooted. The Court OVERRULES Conforti's second objection.

{¶12} R.C 2743.75(F)(3)(b) states that “[i]f the court of claims determines that the public office . . . denied the [requester] access to the public records in violation of” R.C. 149.43, the requester “shall be entitled to recover from the public office . . . the amount of the filing fee . . . and any other costs associated with the action that are incurred by” the requester. A review of this section reveals that it does not refer to court costs.

{¶13} The Ohio Supreme Court has held: “The duty to pay court costs is a civil obligation arising from an implied contract.” *Strattman v. Studt*, 20 Ohio St.2d 95 (1969), paragraph six of the syllabus. The Ohio Supreme Court explained, “[b]y being involved in court proceedings, any litigant, by implied contract, becomes liable for the payment of court costs if taxed as a part of the court’s judgment.” *Id.* at 103. The Special Master’s recommendation to split court costs between the parties is based on the ordinary application of statutory law and case law as they existed at the time of the filing of Conforti’s complaint. See R.C. 2743.75(F)(1) (requiring a special master to submit 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 a complaint). Additionally, under Ohio law the “ultimate determination as to how court costs will be assessed is a matter of sound judicial discretion.” *Vales v. Ins. Affiliates Agency, Inc.*, 1990 Ohio App. LEXIS 5041, at *4-5 (8th Dist. Nov. 21, 1990), citing *State ex rel. Fant v. Regional Transit Auth.*, 48 Ohio St.3d 39 (1990). Accord *Pfeifer v. Chief Drilling Inc.*, 1977 Ohio App. LEXIS 8865, at *28 (10th Dist. May 24, 1977) (“[a]warding of court costs lies within the discretion of the trial court”). The Court finds Conforti’s contention that the Special Master erred by

recommending splitting court costs unpersuasive. Therefore, the Court OVERRULES Conforti's third objection.

Conclusion

{¶14} For the reasons set forth above, the Court OVERRULES Conforti's objections and ADOPTS the Special Master's R&R. Therefore, the Court DENIES MPD's motion to dismiss as moot and renders judgment in favor of MPD. Any pending motions are DENIED as moot. Court costs are to be assessed to both parties in equal part. The Clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

LISA L. SADLER
Judge

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Sent to S.C. Reporter 3/19/26