



Court of Claims of Ohio

The Ohio Judicial Center
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Columbus, OH 43215
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STEVEN L. SNIDER,

Case No. 2010-02731

Plaintiff,

v.

Judge Alan C. Travis
Magistrate Matthew C. Rambo

OHIO DEPARTMENT OF
REHABILITATION AND CORRECTION,

Defendant.

JUDGMENT ENTRY

{¶1} On July 18, 2011, the magistrate issued a decision recommending judgment for defendant.

{¶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).” On July 29, 2011, plaintiff filed his objections. On August 2, 2011, defendant filed a response.¹

{¶3} Plaintiff brought this action against defendant seeking to recover damages for the amputation of his right pinky finger in December 2009. The magistrate found that defendant could not be held liable to plaintiff for an injury to his right pinky finger he sustained during a cleanup detail in December 2008, inasmuch as defendant exercised reasonable care in the supervision of plaintiff during his performance of such work. The magistrate also concluded that plaintiff did not prove that defendant’s failure to send him to the infirmary for treatment of the injury to his right pinky finger in December 2008 was the proximate cause of the amputation of his finger in December 2009.

¹Plaintiff’s September 22, 2011 motion to amend his objections in some unspecified manner is DENIED. Plaintiff’s August 24, 2011 “notice” to stay the court’s decision upon the objections pending service of defendant’s response is DENIED as moot.

{¶4} Many of plaintiff's 17 enumerated objections challenge factual findings made by the magistrate. Plaintiff, however, failed to support his objections with a transcript of the proceedings. Civ.R. 53(D)(3)(b)(iii) states that "[a]n objection to a factual finding, whether or not specifically designated as a finding of fact under Civ.R. 53(D)(3)(a)(ii), shall be supported by a transcript of all the evidence submitted to the magistrate relevant to that finding or an affidavit of that evidence if a transcript is not available." Inasmuch as the factual findings contained in the magistrate's decision support the magistrate's conclusions, plaintiff's objections to such findings are without merit.

{¶5} To the extent that plaintiff challenges the magistrate's conclusion of law, the court's review of the magistrate's decision reveals that the facts found by the magistrate are sufficient to sustain the magistrate's conclusion, and that the magistrate's conclusion is consistent with law.

{¶6} Upon review of the record, the magistrate's decision and plaintiff's objections, the court finds that the magistrate has properly determined the factual issues and appropriately applied the law. Therefore, the objections are OVERRULED and the court adopts the magistrate's decision and recommendation as its own, including findings of fact and conclusions of law contained therein. Judgment is rendered in favor of defendant. 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.

ALAN C. TRAVIS
Judge

cc:

Case No. 2010-02731

- 3 -

JUDGMENT ENTRY

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