

of all of the evidence in ruling upon the merits of plaintiff's objections. See *State ex rel. Duncan v. Chippewa Twp. Trustees*, 73 Ohio St.3d 728, 730, 1995-Ohio-272; *Wade v. Wade* (1996), 113 Ohio App.3d 414, 418-419; *Ohio Edison Co. v. Gilmore* (1995), 106 Ohio App.3d 6, 10-11. (“*** [w]ithout the entire transcript, the trial judge could not, under Civ.R. 53, modify or delete findings of fact.”)

{¶ 5} Moreover, plaintiff is not entitled to use an alternative method to support his objections before showing that a transcript is unavailable. *Layne v. Layne*, Franklin App. No. 03AP-1058, 2004-Ohio-3310. Because plaintiff did not show that the complete trial transcript was unavailable he may not rely on the exhibits and deposition in support of his objections. Id.

{¶ 6} For the reason stated above, the objections are OVERRULED. Furthermore, upon review, the court determines that there is no error of law or other defect on the face of the magistrate's decision and the court adopts the magistrate's decision and recommendation as its own, including the findings of fact and conclusions of law contained therein. Additionally, in fairness to plaintiff, the court has also reviewed the evidence cited by plaintiff. Upon review of the evidentiary material, the court finds that the decision of the magistrate is supported by the greater weight of the evidence and is not contrary to law.

Judgment is rendered in favor of defendants. 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.

FRED J. SHOEMAKER
Judge

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