

[Cite as *Dentigance v. Adult Parole Auth.*, 2008-Ohio-5724.]

Court of Claims of Ohio

The Ohio Judicial Center
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Columbus, OH 43215
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WILLIE DENTIGANCE

Plaintiff

v.

ADULT PAROLE AUTHORITY

Defendant

[Cite as *Dentigance v. Adult Parole Auth.*, 2008-Ohio-5724.]

Case No. 2005-04373

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JUDGMENT ENTRY

Case No. 2005-04373

Judge J. Craig Wright
Magistrate Lee Hogan

JUDGMENT ENTRY

{¶ 1} On July 23, 2008, the magistrate issued a decision recommending judgment for plaintiff in the amount of \$6,113.25.

{¶ 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 August 6, 2008, defendant filed objections. On August 21, 2008, plaintiff filed a response.

{¶ 3} Plaintiff brought this action alleging false imprisonment. Defendant filed an admission of liability and the case proceeded to trial on the issue of damages. In the magistrate’s decision, it is recommended that plaintiff be awarded compensation in the amount of \$4,088.25 for 74 days of false imprisonment, \$2,000 as compensation for mental distress, and reimbursement of the \$25 filing fee.

{¶ 4} Defendant objects as to the recommended awards for mental distress and reimbursement of the filing fee. In regard to the filing fee, defendant asserts that inasmuch as the court waived the filing fee in its April 29, 2005 entry, the award is not appropriate. The court agrees. Accordingly, the magistrate’s decision is MODIFIED, pursuant to Civ.R. 53(D)(4)(b), such that plaintiff shall not be awarded \$25 for reimbursement of the filing fee.

{¶ 5} Upon review of the record, the magistrate’s decision and the objections, the court finds that the magistrate has properly determined the factual issues and appropriately applied the law. However, the court further finds that the award of damages shall be MODIFIED as set forth above. Therefore, the objections are SUSTAINED, in part, and OVERRULED, in part, and the court adopts the magistrate’s decision and recommendation as its own, including findings of fact and conclusions of law as modified herein.

{¶ 6} Judgment is rendered for plaintiff in the amount of \$6,088.25. 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.

J. CRAIG WRIGHT

Case No. 2005-04373

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JUDGMENT ENTRY

Judge

cc:

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