

[Cite as *Payne v. Dept. of Rehab. & Corr.*, 2007-Ohio-5155.]

Court of Claims of Ohio

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614.387.9800 or 1.800.824.8263
www.cco.state.oh.us

LOWELL N. PAYNE, JR.

Plaintiff

v.

DEPARTMENT OF REHABILITATION
AND CORRECTION

Defendant

Case No. 2005-08387

Judge J. Craig Wright
Magistrate Steven A. Larson

JUDGMENT ENTRY

{¶1} On July 13, 2007, the magistrate issued a decision recommending that judgment be rendered in favor of defendant and that defendant's employees be granted civil immunity.

{¶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)." Plaintiff timely filed his objections.

{¶3} Plaintiff filed this case alleging property loss. The magistrate found that plaintiff's property, a typewriter and various accessories, was destroyed by defendant pursuant to a valid order from the Ross County Court of Common Pleas. Plaintiff filed objections wherein he asserts that the magistrate erred in determining several factual issues.

{¶4} Civ.R. 53(D)(3)(b)(iii) provides, in part:

{¶5} "An 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.*" (Emphasis added.)

{¶6} Plaintiff did not file a transcript or other evidence as required by Civ.R. 53.

{¶7} 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. 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.

{¶8} In addition, the court determines that Timothy Brunsman, Gloria Jacobs, Patrick DiSantis, Kevin Scott, Charlie McKee, and Leta Pritchard are entitled to civil immunity pursuant to R.C. 9.86 and 2743.02(F) and that the courts of common pleas do not have jurisdiction over any civil actions that may be filed against them based upon the allegations in this case. 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.

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J. CRAIG WRIGHT
Judge

cc:

Jana M. Brown Naomi H. Maletz Assistant Attorneys General 150 East Gay Street, 23rd Floor Columbus, Ohio 43215-3130	Lowell N. Payne, Jr., #204-179 15802 State Route 104 North P.O. Box 5500 Chillicothe, Ohio 45601
MR/cmd	

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