

# 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  
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LARRY BUMPHUS

Plaintiff

v.

OHIO DEPARTMENT OF REHABILITATION AND CORRECTION

Defendant

Case No. 2006-02412

Judge Joseph T. Clark  
Magistrate Steven A. Larson

## JUDGMENT ENTRY

{¶1} On May 5, 2008, the magistrate issued a decision recommending judgment in favor of plaintiff on the issue of liability.

{¶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 objections. Defendant did not timely respond to plaintiff's objections.

{¶3} Plaintiff objects to the magistrate's factual findings. Specifically, plaintiff contends that the magistrate's recollection of witness testimony is erroneous. Plaintiff also objects to the magistrate's recommendation that Sharon Berry is entitled to civil immunity.

{¶4} Civ.R. 53(D)(3)(b)(iii) provides that "[a]n objection to a factual finding \* \* \* shall be supported by a transcript of all the evidence submitted to the magistrate relevant to that finding." Plaintiff has not filed a transcript to support his objections to the factual findings. Additionally, the magistrate's conclusion that Sharon Berry is entitled to civil immunity is both supported by the facts found by the magistrate and is in accordance with the law.

{¶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. Therefore, plaintiff's 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 for plaintiff on the issue of liability. Furthermore, the court finds that Pamela Shaw and Sharon Berry are entitled to 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. The case will be set for trial on the issue of damages.

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JOSEPH T. CLARK  
Judge

cc:

Jana M. Brown  
Naomi H. Maletz  
Assistant Attorneys General  
150 East Gay Street, 23rd Floor  
Columbus, Ohio 43215-3130

Magistrate Steven A. Larson

Larry Bumphus, #452-269  
Mansfield Correctional Institution  
P.O. Box 788  
Mansfield, Ohio 44901

MR/cmd  
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