



Court of Claims of Ohio

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

GARVIN BRADSHAW

Plaintiff

v.

OHIO DEPARTMENT OF REHABILITATION
AND CORRECTION

Defendant

Case No. 2008-07888

Judge Joseph T. Clark
Magistrate Anderson M. Renick

JUDGMENT ENTRY

{¶1} On May 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).” Plaintiff filed objections on May 25, 2011. Plaintiff, however, did not attach a certificate of service with said objections nor did he separately file proof of service with the court.

{¶3} Civ.R. 5 provides in relevant part:

{¶4} “(A) Except as otherwise provided in these rules, * * * every written motion other than one which may be heard ex parte, and every written notice, appearance, demand, offer of judgment, and similar paper shall be served upon each of the parties. * * *

{¶5} “* * *

{¶6} “(D) * * * Papers filed with the court shall not be considered until proof of service is endorsed thereon or separately filed. The proof of service shall state the date and manner of service and shall be signed in accordance with Civ.R. 11.”

{¶7} As stated above, plaintiff has not complied with the requirements of Civ.R. 5(D). Therefore, the court will proceed as if no objections have been filed.

{¶8} The court determines that there is no error of law or other defect evident on the face of the magistrate's decision. Therefore, 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.

JOSEPH T. CLARK
Judge

cc:

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LP/dms

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