

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State ex rel. Maroon v. Ohio State Hwy. Patrol Retirement Sys.*, Slip Opinion No. 2012-Ohio-2679.]

NOTICE

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SLIP OPINION NO. 2012-OHIO-2679

**THE STATE EX REL. MAROON, APPELLANT, v. OHIO STATE HIGHWAY PATROL
RETIREMENT SYSTEM, APPELLEE.**

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Court of appeals' judgment denying writ of mandamus affirmed.

(No. 2011-1355—Submitted June 6, 2012—Decided June 20, 2012.)

APPEAL from the Court of Appeals for Franklin County, No. 10AP-665.

Per Curiam.

{¶ 1} We affirm the judgment of the court of appeals denying the request of appellant, Anthony Maroon, for a writ of mandamus. Maroon sought the writ to compel appellee, Ohio State Highway Patrol Retirement System, to find that he is a member of the State Highway Patrol fund and is eligible to apply for disability-retirement benefits and to receive a hearing on his claim. The court of appeals adopted the decision of its magistrate, including her findings of fact and conclusions of law.

SUPREME COURT OF OHIO

{¶ 2} Because Maroon failed to object to the magistrate’s decision and his proposition of law challenges the conclusions of law in that decision as adopted by the court of appeals, he waived any error made by the court of appeals in adopting the magistrate’s conclusions and denying the writ. *See* Civ.R. 53(D)(3)(b)(iv) (“Except for a claim of plain error, a party shall not assign as error on appeal the court’s adoption of any factual finding or legal conclusion, whether or not specifically designated as a finding of fact or conclusion of law under Civ.R. 53(D)(3)(a)(ii), unless the party has objected to that finding or conclusion as required by Civ.R. 53(D)(3)(b)”); Loc.R. 12(M)(1) of the Tenth District Court of Appeals (“the proceedings and decision of the magistrate and objections thereto shall be governed by Civ.R. 53”); *State ex rel. Schmidt v. School Emps. Retirement Sys.*, 100 Ohio St.3d 317, 2003-Ohio-6086, 798 N.E.2d 1088, ¶ 6; *State ex rel. Johnson v. Ryan*, 127 Ohio St.3d 267, 2010-Ohio-5676, 939 N.E.2d 146, ¶ 3. Nor does Maroon raise any viable claim of plain error.

Judgment affirmed.

O’CONNOR, C.J., and LUNDBERG STRATTON, O’DONNELL, LANZINGER, CUPP, and MCGEE BROWN, JJ., concur.

PFEIFER, J., concurs in judgment only.

Marc G. Doumbas, for appellant.

Michael DeWine, Attorney General, and Dennis P. Smith Jr. and Catherine J. Calko, Assistant Attorneys General, for appellee.
