

COURT OF CLAIMS OF OHIO

Morris v. Cleveland

2026-Ohio-1317 · No. 2025-00959PQ · Decided March 31, 2026

SUMMARY

The Ohio Court of Claims adopted a special master's report and recommendation in a public-records dispute between Herbert J. Morris and the City of Cleveland. Relying on *White v. Ross Correctional Institution*, the court held that neither party had properly served timely objections under R.C. 2743.75(F)(2), found no facial error in the report, entered judgment for Cleveland, and assessed costs against Morris.

CASE DETAILS

COURT	Court of Claims of Ohio
WRITING FOR THE COURT	Lisa L. Sadler
JURISDICTION	Ohio Court of Claims
DECIDED	March 31, 2026
DOCKET	2025-00959PQ
DISPOSITION	other
PROCEDURAL POSTURE	A requester objected to a special master's report and recommendation in a public-records action. The Court of Claims determined that the objections were not properly served by certified mail and therefore reviewed the report only for an error of law or other defect evident on its face.
STANDARD OF REVIEW	Review of the special master's report and recommendation for an error of law or other defect evident on its face when no properly filed timely objections are before the court.
PRECEDENTIAL VALUE	Published Ohio Court of Claims judgment entry
PARTIES	Herbert J. Morris v. City of Cleveland

TOPICS

- service of process
- civil procedure
- statutory interpretation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether objections to a special master's report and recommendation under R.C. 2743.75(F)(2) are timely and properly filed when the objecting party serves them by email rather than by certified mail, return receipt requested.
2. Whether the court should adopt the special master's report and recommendation when no properly filed timely objections are before it and no error of law or other defect is evident on the face of the report.

HOLDINGS

1. Objections are not properly filed under R.C. 2743.75(F)(2) when they are served by email rather than by certified mail, return receipt requested. Because Morris's objections were served by email, neither party properly filed timely objections in this case.
2. When no properly filed timely objections are before the court, the court must promptly issue a final order adopting the report and recommendation unless an error of law or other defect is evident on its face.

KEY QUOTATIONS

“may object to the [R&R] . . . by filing a written objection with the clerk and sending a copy to the other party by certified mail, return receipt requested.” (¶ 2)

“promptly issue a final order adopting the report and recommendation, unless it determines that there is an error of law or other defect evident on the face of the report and recommendation.” (¶ 4)

FACTUAL BACKGROUND

Morris brought a public-records case against the City of Cleveland. The special master issued a report and recommendation favoring Cleveland. Morris received the report on February 20, 2026, and filed objections on February 25, but his certificate of service stated that he emailed the objections instead of serving them by certified mail, return receipt requested.

PROCEDURAL HISTORY

A special master recommended judgment for the City of Cleveland, assessment of remaining costs against Morris, and denial of other relief. Although Morris filed objections within the seven-business-day period, his certificate of service showed that he emailed the objections rather than sending them by certified mail, return receipt requested. Relying on *White v. Ross Corr. Inst.*, the court found that neither party had properly filed timely objections, found no facial error in the report, adopted the report and recommendation, entered judgment for Cleveland, and assessed costs against Morris.

DISPOSITION

other

CASES CITED

- White v. Ross Corr. Inst., 25AP-800, ¶¶ 25-28 (10th Dist. Mar. 24, 2026)

OPINION

Morris v. Cleveland

2026 Ohio 1317

PER CURIAM.

[Cite as Morris v. Cleveland, 2026-Ohio-1317.]

IN THE COURT OF CLAIMS OF OHIO

HERBERT J. MORRIS Case No. 2025-00959PQ Requester Judge Lisa L. Sadler

v. JUDGMENT ENTRY

CITY OF CLEVELAND

Respondent {¶1} In this public-records case, a special master has issued a report and recommendation (R&R). The special master recommends that the court: 1) Enter judgment for respondent; 2) Order requester to bear the balance of the costs in this case; and 3) Deny any other relief. {¶2} Under R.C. 2743.75(F)(2), either party may object to the R&R within seven business days of receiving it. Respondent received the R&R on February 23, 2026, and did not file objections. Requester received the R&R on February 20, 2026, and filed objections on February 25, 2026, within the objection period. The certificate of service for this document states that he emailed a copy of the objections to respondent. Pursuant to R.C. 2743.75(F)(2), a party “may object to the [R&R] . . . by filing a written objection with the clerk and sending a copy to the other party by certified mail, return receipt requested.” It appears that the objections were timely filed, however, in a similar situation, the Tenth District Court of Appeals found this not to be the case. {¶3} In a decision released on March 24, 2026, the Tenth District Court of Appeals found that because the respondent filed its objections with the Court but did not serve the objections to the requester by certified mail, the respondent failed to timely file objections pursuant to R.C. 2743.75(F)(2). White v. Ross Corr. Inst., 25AP-800, ¶ 25-28 (10th Dist. Mar. 24, 2026). The Tenth District went so far as to say that, in White, the Court’s order Case No. 2025-00959PQ -2-JUDGMENT ENTRY “exceeded its statutory role” because it considered objections that were not properly served under R.C. 2743.75(F)(2). White, ¶ 28. {¶4} On the authority of White, we find that neither party properly filed timely objections in this case. Therefore, pursuant to R.C. 2743.75(F)(2), the Court is required to “promptly issue a final order adopting the report and recommendation, unless it determines that there is an error of law or other defect evident on the face of the report and recommendation.” Upon review, the court finds that there is no error of law or other defect evident on the face of the report and recommendation. The court adopts the report and recommendation. {¶5} In accordance with the special master’s recommendations, the court: 1) Enters judgment for respondent; 2) Assesses court costs against requester; and 3) Denies all other relief. {¶6} The clerk shall serve upon all parties notice of this judgment and its date of entry upon

the journal.

LISA L. SADLER

Judge Filed March 31, 2026 Sent to S.C. Reporter 4/13/26

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