

OHIO COURT OF CLAIMS

Cephas v. Ohio Dept. of Rehab. & Corr.

2026-Ohio-326 · No. 2024-00825JD · Decided January 28, 2026

SUMMARY

An Ohio Court of Claims magistrate considered damages after the Ohio Department of Rehabilitation and Correction stipulated that its employees breached their duty of care and caused harm when an inmate was attacked by other inmates. The magistrate found that the plaintiff established temporary physical injuries, pain and suffering, and emotional distress, but did not prove that the attack caused his need for hip-replacement surgery. The magistrate recommended an award of \$175,000 in compensatory damages plus the \$25 filing fee.

CASE DETAILS

COURT	Ohio Court of Claims
WRITING FOR THE COURT	Gary Peterson, Magistrate
JURISDICTION	Ohio Court of Claims
DECIDED	January 28, 2026
DOCKET	2024-00825JD
DISPOSITION	other
PROCEDURAL POSTURE	An inmate brought a negligence action against the Ohio Department of Rehabilitation and Correction. The Department stipulated that its employees breached their duty of care and that the breach proximately caused harm. After the stipulation was approved, the magistrate conducted a trial limited to damages and recommended judgment for the plaintiff.
STANDARD OF REVIEW	Plaintiff bore the burden of proving the nature and extent of damages by a preponderance of the evidence and was required to establish damages with reasonable certainty rather than speculation or conjecture. Expert testimony was required to establish causation for medical issues outside a layperson's knowledge.
PRECEDENTIAL VALUE	Published magistrate decision; subject to objections and adoption under Ohio Civ.R. 53.
PARTIES	Ernest Cephas v. Ohio Department of Rehabilitation and Correction

TOPICS

negligence

personal injury

damages

compensatory damages

civil procedure

PRACTICE AREAS

torts

negligence

damages

civil procedure

QUESTIONS PRESENTED

1. What compensatory damages did plaintiff prove after the defendant stipulated to duty, breach, and proximate causation?
2. Whether plaintiff proved that the attack caused a need for hip-replacement surgery.
3. Whether plaintiff proved pain-and-suffering and emotional-distress damages with sufficient certainty.

HOLDINGS

1. Plaintiff did not prove that the attack caused the need for hip-replacement surgery because he presented no expert testimony establishing that causal connection, and the medical evidence characterized his hip condition as degenerative osteoarthritis rather than an acute injury.
2. Plaintiff proved compensable pain-and-suffering and emotional-distress damages arising from the approximately 90-minute beating, rape, and restraint, including injuries that gradually healed over approximately one month.
3. Plaintiff was entitled to \$175,000 in compensatory damages, plus the \$25 filing fee, for a total recommended award of \$175,025.

KEY QUOTATIONS

““damages must be shown with reasonable certainty and may not be based upon mere speculation or conjecture”” (§ 11)

“The assessment of such damage is, however, a matter solely for the determination of the trier of fact because there is no standard by which such pain and suffering may be measured.” (§ 14)

“Based upon the foregoing, plaintiff is entitled to compensatory damages in the amount of \$175,000, plus the \$25 filing fee, for a total award of \$175,025.” (§ 19)

FACTUAL BACKGROUND

On April 9, 2023, approximately eight inmates entered plaintiff's cell at the Lebanon Correctional Institution and beat, bound, and raped him for approximately 90 minutes before correctional staff intervened. Plaintiff sustained a scalp laceration, concussion, nasal fracture, contusions, abrasions, swelling, pain, and emotional distress, and received treatment at two medical centers. Medical evidence indicated that his hip osteoarthritis was degenerative wear and tear rather than an acute injury caused by the attack.

PROCEDURAL HISTORY

Plaintiff was attacked and raped by other inmates at the Lebanon Correctional Institution. On December 4, 2025, the defendant stipulated to duty, breach, and proximate causation. Following a damages-only trial, the magistrate recommended an award of \$175,000 in compensatory damages plus the \$25 filing fee, subject to objections under Civil Rule 53.

DISPOSITION

other

CASES CITED

- *Armstrong v. Best Buy Co., Inc.*, 2003-Ohio-2573, ¶ 8
- *Meniffee v. Ohio Welding Prod., Inc.*, 15 Ohio St.3d 75, 77 (1984)
- *Forester v. Ohio Dept. of Rehab. & Corr.*, 2011-Ohio-6296, ¶ 7 (10th Dist.)
- *N. Coast Premier Soccer, LLC v. Ohio Dept. of Transp.*, 2013-Ohio-1677, ¶ 17 (10th Dist.)
- *Landis v. William Fannin Builders, Inc.*, 2011-Ohio-1489, ¶ 37 (10th Dist.)
- *Fantozzi v. Sandusky Cement Prods. Co.*, 64 Ohio St.3d 601, 612 (1992)
- *Jayashree Restaurants, LLC v. DDR PTC Outparcel LLC*, 2016-Ohio-5498, ¶ 13 (10th Dist.)
- *Akro-Plastics v. Drake Indus.*, 115 Ohio App.3d 221, 226 (11th Dist. 1996)
- *Rakich v. Anthem Blue Cross & Blue Shield*, 2007-Ohio-3739, ¶ 20
- *Mills v. Best W. Springdale*, 2009-Ohio-2901, ¶ 20 (10th Dist.)
- *Woodworth v. New York Cent. RR. Co.*, 149 Ohio St. 543, 549 (1948)
- *Harris v. Ohio Dept. of Rehab. & Corr.*, 2013-Ohio-5714, ¶ 16 (10th Dist.)
- *Stacey v. Carnegie-Illinois Steel Corp.*, 156 Ohio St. 205 (1951)
- *Tunks v. Chrysler Group LLC*, 2013-Ohio-5183, ¶ 18 (6th Dist.)
- *Corwin v. St. Anthony Med. Ctr.*, 80 Ohio App.3d 836, 840-841 (10th Dist.)
- *Schadhauser v. Ohio Dept. of Rehab. & Corr.*, 2018-Ohio-3282, ¶ 11 (10th Dist.)
- *Wright v. Columbus*, 2006-Ohio-759, ¶ 19 (10th Dist.)
- *Flory v. New York Central RR Co.*, 170 Ohio St. 185, 190 (1959)
- *Hohn v. Ohio Dept. of Mental Retardation & Developmental Disabilities*, 1993 Ohio App. LEXIS 6023, 10-11 (10th Dist. Dec. 14, 1993)
- *McCombs v. Ohio Dept. of Dev. Disabilities*, 2022-Ohio-1035, ¶ 29 (10th Dist.)
- *Lester v. Ohio Dept. of Rehab. & Corr.*, 2022-Ohio-2729 (Ct. of Cl.)
- *Shivers v. University of Cincinnati*, 2005-Ohio-949, ¶ 2 (Ct. of Cl.)
- *Shivers v. University of Cincinnati*, 2006-Ohio-625, ¶ 4 (Ct. of Cl.)
- *Shivers v. Univ. of Cincinnati*, 2006-Ohio-5518, ¶ 2 (10th Dist.)

OPINION

PER CURIAM.

[Cite as Cephas v. Ohio Dept. of Rehab. & Corr., 2026-Ohio-326.] IN THE COURT OF CLAIMS OF OHIO ERNEST CEPHAS Case No. 2024-00825JD Plaintiff Magistrate Gary Peterson v. DECISION OF THE MAGISTRATE OHIO DEPARTMENT OF REHABILITATION AND CORRECTION Defendant {¶1} Plaintiff, an inmate in the custody and control of defendant, the Ohio Department of Rehabilitation and Correction (ODRC), brought this action arising out of an attack upon him by other inmates on April 9, 2023, while he was incarcerated at the Lebanon Correctional Institution (LeCI).

On December 4, 2025, defendant filed a stipulation wherein ODRC conceded that its employees breached their duty of care on April 9, 2023, and that this breach was the proximate cause of harm to plaintiff. The stipulation was approved, and the case proceeded to a trial on the issue of damages before the undersigned magistrate. Findings of Fact {¶2} On April 9, 2023, plaintiff was housed on the third-floor range of B block, cell 35 at LeCI.

Plaintiff was in his cell eating and watching television when inmates began to enter his cell. One inmate began to swing a shank, or weapon, to cut plaintiff. Another inmate hit plaintiff over the head with a lock in a sock. Plaintiff fell to the ground and the inmates continued the attack by kicking and hitting him. At some point, plaintiff lost consciousness.

When plaintiff regained consciousness, he attempted to escape, but he was pulled back to the cell where he was repeatedly punched and kicked and hit with a lock and a sock. At some point plaintiff overheard the inmates discussing what to do with plaintiff. Plaintiff's hands had been bound to the bed, his legs bound, and his pants had been pulled down. At some point plaintiff was raped by the inmates.

Plaintiff was lying Case No. 2024-00825JD -2- DECISION in a pool of blood, bleeding from the head and nose, when ODRC staff ordered the inmates to exit plaintiff's cell. The attack on plaintiff was carried out by approximately 8 inmates who entered and exited his cell over a period of approximately 90 minutes. Plaintiff was thereafter sent to Atrium Medical Center (Atrium) for treatment and thereafter to Ohio State University Medical Center (OSUMC) for continued treatment and observation. {¶3} Plaintiff offered two videos that are body camera videos from ODRC officers who encountered plaintiff immediately after the attack.

Plaintiff's Exhibit 9. In one video a corrections officer approaches the cell and orders the inmates out of the cell. Id. Five inmates then exit the cell. Id. The corrections officer then calls for medical, stating that there is an inmate passed out on the floor. Id. The corrections officer then instructs plaintiff to put his pants on. Id. In the second video, plaintiff is seen on the floor, apparently tied to the bunk bed without clothing.

Plaintiff's Exhibit 10. Medical staff arrive shortly thereafter with a wheelchair for plaintiff. Id. {¶4} Plaintiff also offered a number of exhibits for the court's consideration. However, there was

no testimony as to the significance of the exhibits nor was there any testimony regarding any findings in the records. Furthermore, no medical witness testified regarding the contents of the exhibits or how the findings relate to the attack.

Those exhibits were admitted for the sole purpose of showing that plaintiff sought medical care following the attack. Plaintiff's Exhibits 1-6. The court also submitted Exhibit 11, which is emails with attached exhibits plaintiff sent to the court for purposes of trial. One of the emails does not have any attachment and appears to have been intended to be exhibits 7 and 8, which the court did not receive. {¶5} William Harlan, M.D., chief medical officer at the Warren Correctional Institution (WCI) treated plaintiff after plaintiff was transferred from LeCI to WCI.

As a part of his treatment, Harlan reviewed medical records generated during plaintiff's treatment. Harlan explained that when plaintiff was at Atrium, he underwent several studies which ruled out intracranial injuries like a hemorrhage or internal bleeding.

The medical staff at Atrium noted that there was no traumatic injury of the chest, abdomen, or pelvis. Defendant's Exhibit A, 000071-000073. Degenerative bilateral changes in the hip, or osteoarthritis was noted, but Dr. Harlan explained that such degeneration is normal Case No. 2024-00825JD -3- DECISION wear and tear rather than an acute injury. Id. The Atrium medical staff noted a possible fracture of the nasal bone and facial swelling.

Id. It was noted that plaintiff suffered a concussion, scalp laceration, and multiple contusions. Id. It was recommended that plaintiff be transferred to OSUMC for observation. Id. {¶6} While at OSUMC, plaintiff underwent a number of studies. Dr. Harlan explained that there were no fractures or other significant findings other than a nasal fracture. Defendant's Exhibit A, 000088.

At OSUMC, the medical staff noted that there was no need for plastic surgery intervention and that plaintiff had no new pain over his nose. Defendant's Exhibit A, 000118-000119. Plaintiff was thereafter discharged to ODRC. {¶7} Dr. Harlan examined plaintiff on April 17, 2023, wherein he determined the laceration to plaintiff's head, which required two staples to close, had healed.

Defendant's Exhibit A, 000145. Dr. Harlan noted that plaintiff did not appear to be in acute distress, but he did have bilateral infraorbital ecchymosis, or bruising under the eyes. Id. Dr. Harlan also noted bruising and abrasions on plaintiff's arms and legs. Id. Dr. Harlan noted that plaintiff's motor functions were intact and that he had normal strength and a normal gate.

Id. {¶8} Dr. Harlan again examined plaintiff on May 24, 2023. Defendant's Exhibit A, 000160. Dr. Harlan noted no swelling and full range of motion. Id. Dr. Harlan noted that plaintiff had pain moving his left arm outward. Id. Dr. Harlan noted no abrasions, scrapes, or bruising. Id. Dr. Harlan did not believe any additional treatment was warranted at that time.

Defendant's Exhibit A, 000161. No other witnesses testified and there was no other evidence presented. Law and Analysis {¶9} To prevail on a claim for negligence, plaintiff must prove, by a preponderance of the evidence, that defendant owed plaintiff a duty, that defendant breached that duty, and that defendant's breach proximately caused plaintiff's damages.

Armstrong v. Best Buy Co., Inc., 2003-Ohio-2573, ¶ 8, citing *Menifee v. Ohio Welding Prod., Inc.*, 15 Ohio St.3d 75, 77 (1984). Whether defendant owed plaintiff a duty and/or breached such duty is immaterial when plaintiff cannot show the proximate cause of his injuries by a Case No. 2024-00825JD -4- DECISION preponderance of the evidence. See *Forester v. Ohio Dept. of Rehab. & Corr.*, 2011- Ohio-6296, ¶ 7 (10th Dist.) (a plaintiff has the burden to prove each element of their negligence claim by a preponderance of the evidence).

As stated beforehand, defendant previously stipulated that it owed plaintiff a duty of care, breached the duty of care, and caused plaintiff damages. Therefore, the magistrate need only decide the nature and extent of the damages. {¶10} As a general rule, the appropriate measure of damages in a tort action is the amount which will compensate and make the plaintiff whole.

N. Coast Premier Soccer, LLC v. Ohio Dept. of Transp., 2013-Ohio-1677, ¶ 17 (10th Dist.). "The fundamental rule of the law of damages is that the injured party shall have compensation for all of the injuries sustained." *Landis v. William Fannin Builders, Inc.*, 2011-Ohio-1489, ¶ 37 (10th Dist.), quoting *Fantozzi v. Sandusky Cement Prods. Co.*, 64 Ohio St.3d 601, 612 (1992). {¶11} "It is axiomatic that every plaintiff bears the burden of proving the nature and extent of his damages in order to be entitled to compensation." *Jayashree Restaurants, LLC v. DDR PTC Outparcel LLC*, 2016-Ohio-5498, ¶ 13, (10th Dist.) quoting *Akro-Plastics v. Drake Indus.*, 115 Ohio App.3d 221, 226 (11th Dist.

1996). "[D]amages must be shown with reasonable certainty and may not be based upon mere speculation or conjecture...." *Rakich v. Anthem Blue Cross & Blue Shield*, 2007-Ohio-3739, ¶ 20 (10th Dist.). {¶12} "Although a claimant may establish proximate cause through circumstantial evidence, 'there must be evidence of circumstances which will establish with some degree of certainty that the alleged negligent acts caused the injury.'" *Mills v. Best W. Springdale*, 2009-Ohio-2901, ¶ 20 (10th Dist.), quoting *Woodworth v. New York Cent.*

RR. Co., 149 Ohio St. 543, 549 (1948). "Generally, where an issue involves a question of scientific inquiry that is not within the knowledge of a layperson, expert testimony is required." *Harris v. Ohio Dept. of Rehab. & Corr.*, 2013-Ohio-5714, ¶ 16 (10th Dist.), citing *Stacey v. Carnegie-Illinois Steel Corp.*, 156 Ohio St. 205 (1951). "Where complicated medical problems are at issue, testimony from a qualified expert is necessary to establish a proximate causal relationship between the incident and the injury." *Tunks v. Chrysler Group LLC*, 2013-Ohio-5183, ¶ 18 (6th Dist.); see *Corwin v. St. Anthony Med.*

Ctr., 80 Ohio App.3d 836, 840-841 (10th Dist. 1992) (“Where the permanency of an injury is obvious, such as the loss of an arm, leg or other member, the jury may draw its own Case No. 2024-00825JD -5- DECISION conclusions as to the measure of damages; however, where an injury is not obvious, there must be expert evidence as to the damage sustained, the probability of future pain and suffering or the permanency of the injury.”); *Schadhauser v. Ohio Dept. of Rehab. & Corr.*, 2018-Ohio-3282, ¶ 11 (10th Dist.) (“In general, an issue that involves a question of scientific inquiry that is not within the knowledge of [a] layperson is an issue that requires expert testimony to prove... the mechanisms for contracting specific medical conditions typically are not within the knowledge of a layperson.”); *Wright v. Columbus*, 2006-Ohio- 759, ¶ 19 (10th Dist.) (expert testimony is required to establish proximate cause of an alleged injury where the alleged injuries are internal and elusive, and are not sufficiently observable, understandable, and comprehensible by the trier of fact such that the question of the causal connection between the breach of duty and the alleged injury is peculiarly within the scope of expert scientific inquiry). {¶13} Here, plaintiff claimed that he was required to undergo hip-replacement surgery because of the attack.

Plaintiff, however, did not present any expert testimony to support such a conclusion. Plaintiff’s medical records and Dr. Harlan established that plaintiff suffered from degenerative osteoarthritis. Furthermore, Dr. Harlan contradicted plaintiff’s claim by testifying that plaintiff’s degenerative osteoarthritis was considered normal wear and tear rather than an acute injury.

Dr. Harlan’s testimony was credible and authoritative on that point. The mechanisms and cause of such a condition are not within the common knowledge of a layperson and expert testimony establishing that plaintiff’s hip surgery was necessitated by the attack was necessary. Nevertheless, plaintiff proved damages concerning pain and suffering that resolved over the course of a month in addition to emotional distress that he suffered while undergoing the 90-minute attack.

No doubt, during the 90-minute attack, plaintiff felt panicked and significant pain as he was beaten, raped, and bound to the bed. {¶14} Regarding damages for pain and suffering, the Supreme Court of Ohio has said: Other elements such as pain and suffering are more difficult to evaluate in a monetary sense.

The assessment of such damage is, however, a matter solely for the determination of the trier of fact because there is no standard by which such pain and suffering may be measured. In this regard, this Case No. 2024-00825JD -6- DECISION court has recognized that “no substitute for simple human evaluation has been authoritatively suggested.” *Flory v. New York Central RR Co.*, (1959), 170 Ohio St. 185, 190, 10 Ohio Op.

2d 126, 128, 163 N.E.2d 902, 905. *Fantozzi v. Sandusky Cement Prods. Co.*, 64 Ohio St.3d 601, 612, (1992). {¶15} Although a court may consider “awards given in comparable cases as a point of reference,” there is “no specific yardstick, or mathematical rule exists for determining pain and

suffering.” Hohn v. Ohio Dept. of Mental Retardation & Developmental Disabilities, 1993 Ohio App.

LEXIS 6023, 10-11 (10th Dist. Dec. 14, 1993). Indeed, the “finder of fact” must make a “human evaluation” of all the facts and circumstances involved. McCombs v. Ohio Dept. of Dev. Disabilities, 2022-Ohio-1035, ¶ 29 (10th Dist.) (cleaned up). {¶16} In the closing arguments, plaintiff stated that he believed that this case was worth millions of dollars.

In its closing arguments, defendant cited a number of cases awarding damages and/or settlement agreements for varying amounts; however, none of those cases involved an attack and rape by up to eight inmates over a 90-minute period. {¶17} In a somewhat comparable case, an employee of ODRC threatened to rape the plaintiff, and harassed the plaintiff over the course of the next several months.

Lester v. Ohio Dept. of Rehab. & Corr., 2022-Ohio-2729 (Ct. of Cl.). The court found that the plaintiff suffered a great deal of anxiety and awarded \$150,000. Id. While the record in that case involved significant emotional distress, the conduct at issue in this case is ghastlier.

In another somewhat comparable case, the plaintiff was raped by an unknown male. Shivers v. University of Cincinnati, 2005-Ohio-949, ¶ 2 (Ct. of Cl.). Following a trial on damages, the court awarded \$100,000. Shivers v. University of Cincinnati, 2006-Ohio- 625, ¶ 4 (Ct. of Cl.) (reversed on other grounds Shivers v. Univ. of Cincinnati, 2006-Ohio- 5518, ¶ 2 (10th Dist.)).

The award of damages in that case, however, occurred nearly 20 years ago. Conclusion {¶18} Here, plaintiff established that he was beaten and raped for approximately 90 minutes by 8 inmates, no doubt experiencing a great deal of anxiety and suffering. Case No. 2024-00825JD -7- DECISION Plaintiff suffered abrasions, contusions, fracture of the nose, a concussion, and swelling.

These injuries slowly healed over the course of the next month. {¶19} Based upon the foregoing, plaintiff is entitled to compensatory damages in the amount of \$175,000, plus the \$25 filing fee, for a total award of \$175,025.

Accordingly, it is recommended that judgment be entered for plaintiff in that amount. {¶20} A party may file written objections to the magistrate’s decision within 14 days of the filing of the decision, whether or not the court has adopted the decision during that 14-day period as permitted by Civ.R. 53(D)(4)(e)(i). If any party timely files objections, any other party may also file objections not later than ten days after the first objections are filed.

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 timely and specifically objects to that factual finding or legal conclusion within 14 days of the filing of the decision, as required by Civ.R.

53(D)(3)(b). GARY PETERSON Magistrate Filed January 28, 2026 Sent to S.C. Reporter 2/3/26

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