

COURT OF CLAIMS OF OHIO

Diebert v. Village of N. Baltimore Adm.

Diebert v. Village of North Baltimore Administration, 2026-Ohio-2334 · No. 2025-00766PQ · Decided May 22, 2026

SUMMARY

The Ohio Court of Claims overruled the requesters’ objections to a special master’s recommendation and adopted the recommendation. The court granted the Village of North Baltimore’s motion to dismiss the public-records action under R.C. 2743.75(D)(2), dismissed the claim without prejudice, denied the motion to enforce mediation confidentiality as moot, and split court costs between the parties.

CASE DETAILS

COURT	Court of Claims of Ohio
WRITING FOR THE COURT	Lisa L. Sadler
JURISDICTION	Ohio Court of Claims
DECIDED	May 22, 2026
DOCKET	2025-00766PQ
DISPOSITION	dismissed
PROCEDURAL POSTURE	Requesters objected to a special master's report and recommendation recommending dismissal of their public-records claim for failure to comply with an order and pleading requirements. The Court of Claims overruled the objections, adopted the recommendation, denied a motion concerning mediation confidentiality as moot, and dismissed the claim without prejudice.
STANDARD OF REVIEW	Under R.C. 2743.75(F)(2), the Court of Claims reviews objections to a special master's report and recommendation as a reviewing court and may not consider material that was not part of the proceedings below.
PRECEDENTIAL VALUE	Published
PARTIES	Cheryl D. Diebert, et al. v. Village of North Baltimore Administration

TOPICS

- motions to dismiss
- pleadings
- civil procedure
- mediation
- remedies

PRACTICE AREAS

civil procedure

administrative law

municipal law

remedies

QUESTIONS PRESENTED

1. Whether the Court of Claims could consider USPS tracking information attached to the Dieberts' objections to establish that their filings were timely.
2. Whether the special master properly recommended dismissal after the Dieberts failed to comply with the order requiring a second amended complaint.
3. Whether the Dieberts were entitled to another opportunity to amend their complaint or to file a Civ.R. 60 motion.
4. Whether the special master properly relied on *Schaffer v. Sheets* for the requirement that a public-records complaint be filed on the prescribed form.
5. Whether dismissal should be without prejudice and whether court costs should be split between the parties.

HOLDINGS

1. When reviewing objections to a special master's report and recommendation, the Court of Claims may not consider new material that was not part of the proceedings below.
2. Dismissal under R.C. 2743.75(D)(2) was proper because the Dieberts failed to comply with the special master's order and submitted filings that were untimely and deficient.
3. The Dieberts were not entitled to another opportunity to amend their complaint or to proceed through a Civ.R. 60 motion because doing so would exceed the scope of the special statutory public-records process.
4. The special master properly cited *Schaffer v. Sheets* for the limited proposition that a public-records complaint in the Court of Claims must use the form prescribed by the clerk; the Dieberts' different number and intended use of records did not undermine that proposition.
5. Because the dismissal was not on the merits, it had to be without prejudice, and the court acted within its discretion by splitting court costs between the parties.

KEY QUOTATIONS

“A civil rule is clearly inapplicable to a special statutory proceeding when its “use will alter the basic statutory purpose for which the specific procedure was originally provided in the special statutory action.” “

(¶ 12)

“Allowing the Dieberts another opportunity to amend their complaint at this time would alter this purpose.”

(¶ 13)

“a dismissal of a case that is not on the merits must be without prejudice” (¶ 15)

FACTUAL BACKGROUND

The Dieberts filed a public-records action against the Village of North Baltimore Administration. After the special master ordered a second amended complaint describing each remaining claim in detail, the Dieberts filed two documents one day late, without certificates of service, and without sufficient information identifying the requests, records, and aggrieved requester associated with each claim. The special master recommended dismissal because the filings did not comply with the order, the prescribed complaint-form requirement, or basic pleading requirements.

PROCEDURAL HISTORY

The Dieberts filed a public-records action and were ordered to file an amended complaint identifying the alleged violations, request dates, and records sought. After mediation, the special master ordered a second amended complaint detailing the claims that remained outstanding. The Dieberts filed two late, deficient documents, prompting the respondent's motion to dismiss and the special master's recommendation of dismissal under R.C. 2743.75(D)(2).

DISPOSITION

dismissed

CASES CITED

- Gannett GP Media, Inc. v. Ohio Dept. of Pub. Safety, 2017-Ohio-4248, ¶ 8 (Ct. of Cl.)
- State v. Ishmail, 54 Ohio St.3d 402 (1978)
- Ohio Patrolman's Benevolent Assn. v. City of Cleveland, 2024-Ohio-2651, ¶ 17
- Price v. Westinghouse Elec. Corp., 70 Ohio St.2d 131, 133, 435 N.E.2d 1114 (1982)
- State ex rel. Millington v. Weir, 60 Ohio App.2d 348, 349, 397 N.E.2d 770 (10th Dist. 1978)
- Schaffer v. Sheets, 2024-Ohio-2185, ¶¶ 59-61, adopted 2024-Ohio-2625 (Ct. of Cl.)
- State ex rel. Mason v. Supervisor of Edn., Warren Corr. Inst., 2025-Ohio-4803, ¶ 11
- Thomas v. Freeman, 79 Ohio St.3d 221, 225 (1997), fn. 2
- Tower City Properties v. Cuyahoga Cty. Bd. of Revision, 49 Ohio St.3d 67, 69, 551 N.E.2d 122, 124 (1990)
- Strattman v. Studt, 20 Ohio St.2d 95 (1969), paragraph six of the syllabus
- Vales v. Ins. Affiliates Agency, Inc., 1990 Ohio App. LEXIS 5041, at *4-5 (8th Dist. Nov. 21, 1990)
- State ex rel. Fant v. Regional Transit Auth., 48 Ohio St.3d 39 (1990)
- Pfeifer v. Chief Drilling Inc., 1977 Ohio App. LEXIS 8865, at *28 (10th Dist. May 24, 1977)