



Court of Claims of Ohio

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614.387.9800 or 1.800.824.8263
www.cco.state.oh.us

LYNDSEY HOWELL

Plaintiff

v.

OHIO UNIVERSITY POLICE
DEPARTMENT

Defendant

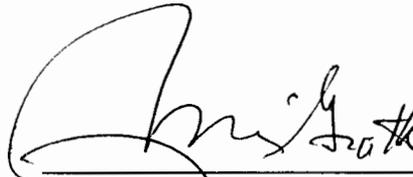
Case No. 2013-00001

Judge Patrick M. McGrath
Magistrate Holly True Shaver

ENTRY

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On March 7 and 10, 2014, plaintiff filed a "motion to recuse/remove magistrate." Plaintiff seeks to either have the magistrate recuse herself from the case or to have the court remove the magistrate from the case. Plaintiff cites the magistrate's alleged bias as the basis for such a motion. However, litigants do not select the trier of fact. Civ.R. 53 provides a procedure whereby litigants may challenge any order or decision of a magistrate. Plaintiff has availed herself to such a procedure. Moreover, the matters of which plaintiff complains as being demonstrative of the magistrate's bias concern the magistrate's rulings regarding discovery issues. Courts have broad discretion in conducting and overseeing pretrial discovery matters. The court does not view the rulings at issue to be demonstrative of bias nor does plaintiff appear to have suffered any prejudice thereby. The court might add that in the many years of service in the court, the magistrate has always demonstrated impartiality and fairness to all litigants and counsel. Plaintiff's motion is DENIED.


PATRICK M. MCGRATH
Judge

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Case No. 2013-00001

- 2 -

ENTRY

cc:

Christopher P. Conomy
Assistant Attorney General
150 East Gay Street, 18th Floor
Columbus, Ohio 43215-3130

Vincent N. DePascale
786 Northwest Blvd.
Grandview Heights, Ohio 43212-3832

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