

[Cite as *Beitner v. Ohio Dept. of Natural Resources*, 1992-Ohio-282.]

IN THE COURT OF CLAIMS OF OHIO

JOAN A. BEITNER :  
Plaintiff : CASE NO. 91-04748  
v. : DECISION  
OHIO DEPARTMENT OF NATURAL : Judge Fred J. Shoemaker  
RESOURCES, et al. :  
Defendants :  
: :

This case was tried to the court on the sole issue of damages. Defendants have admitted liability for causing injuries to plaintiff. However, the extent of the damages was contested.

During the course of the trial, Michael Brown, a chiropractor, testified that plaintiff suffered a 15% permanent partial disability or impairment to her body as a whole as a direct and proximate cause of defendants' negligence. Defendants objected to said testimony claiming that a chiropractor was not qualified to give such an opinion. The court took this objection under consideration and gave the parties, as well as the Ohio State Chiropractic Association as *amicus curia*, the opportunity to file briefs on this issue. The court has reviewed the briefs and does hereby OVERRULE defendants' objections. Of course, the weight to be given to the testimony of any witness is the responsibility of the court.

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After carefully reviewing and evaluating the evidence, the court's best judgment is that plaintiff has proved by a preponderance of the evidence that she is entitled to a judgment against defendants for the total sum of \$35,000.

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FRED J. SHOEMAKER  
Judge

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IN THE COURT OF CLAIMS OF OHIO

JOAN A. BEITNER

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Plaintiff

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CASE NO. 91-04748

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JUDGMENT ENTRY

OHIO DEPARTMENT OF NATURAL  
RESOURCES, et al.

⋮

Judge Fred J. Shoemaker

$$:$$

## Defendants

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This action was tried before the court on July 20, 1992, on the sole issue of damages. The court has considered the evidence and rendered a decision filed herein. Judgment is rendered in favor of plaintiff and against defendants. Plaintiff is hereby GRANTED judgment for \$35,000. Court costs are assessed against defendants. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

**FRED J. SHOEMAKER**  
Judge

Entry cc:

Joseph I. Tripodi, Esq.  
114 East High Avenue  
New Philadelphia, Ohio 44663

Attorney for Plaintiff

Eric A. Walker  
Capitol Square Office Building  
65 East State Street, Suite 700  
Columbus, Ohio 43215

Assistant Attorney General

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