

[Cite as *McFall v. Ohio Dept. of Public Safety*, 2001-Ohio-3954.]

IN THE COURT OF CLAIMS OF OHIO

PATRICIA McFALL, et al.	:	
Plaintiffs	:	CASE NO. 2000-11428
v.	:	<u>JUDGMENT ENTRY</u>
DEPARTMENT OF PUBLIC SAFETY, etc., et al.	:	Judge Fred J. Shoemaker
Defendants	:	
	:	: : : : : : : : : : : : : : : :

This case was tried to the court on the sole issue of plaintiffs' damages. Defendants filed their "admission of liability" on August 21, 2001.

The court finds the following facts:

- 1) On February 19, 1999, a vehicle driven by plaintiff, Patricia McFall, was struck from behind by a vehicle negligently operated by an employee of defendant, Department of Public Safety. Plaintiff, Merle McFall, husband to Patricia McFall, was seated in the front passenger seat at the time of the accident;
- 2) At the time of the accident, plaintiffs' vehicle was traveling at approximately thirty to thirty-five miles per hour and the vehicle driven by defendant's employee was traveling only slightly faster. This was a low-impact collision;
- 3) Patricia McFall sustained a soft tissue injury to her neck and back as a result of the accident and she received conservative treatment for approximately three months.

Plaintiff's husband was not injured in the accident. However, he was required to assume additional household responsibilities as a result of plaintiff's injury and had to perform additional physical tasks in connection with the couple's rental property business for several months after the accident;

4) Plaintiffs incurred uncompensated medical expenses as a direct and proximate result of defendant's negligence in the amount of \$2,932. Plaintiffs incurred property damage in the amount of \$758.43.

Based upon the above-cited facts, the court concludes that plaintiffs are entitled to recover the following as damages:

- 1) \$3,690.43 in special damages;
- 2) \$5,000 for plaintiff's, Patricia McFall, pain and suffering;
- 3) \$1,000 for plaintiff's, Merle McFall, loss of consortium.

* * * * *

Judgment is hereby rendered in favor of plaintiffs in the sum of \$9,715.43 which includes the filing fee paid by plaintiffs. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal. Court costs are assessed against defendants.

FRED J. SHOEMAKER
Judge

Entry cc:

Matthew C. Giannini
950 Windham Ct., Suite 5
Youngstown, Ohio 44512

Attorneys for Plaintiffs

Case No. 2000-11428

- 3 -

JUDGMENT ENTRY

Anthony N. Gemma
South Commons Professional Centre
1040 South Commons Place
Suite 200
Youngstown, Ohio 44514

[Cite as *McFall v. Ohio Dept. of Public Safety*, 2001-Ohio-3954.]
Stephanie D. Pestello-Sharf Assistant Attorney General
65 East State St., 16th Fl.
Columbus, Ohio 43215

LP/cmd

Filed 12-21-2001

Jr. Vol. 690, Pgs. 150-151

To S.C. reporter 2-4-2002