

IN THE COURT OF CLAIMS OF OHIO

EDWARD J. FREDERICY, #180-169 :  
1851 St. Rt. 56 :  
P.O. Box 740 : Case No. 2002-01322-AD  
London, Ohio 43140-0740 :

Plaintiff : MEMORANDUM DECISION

v. :

MADISON CORRECTIONAL :  
INSTITUTION :

Defendant :

: : : : : : : : : : : : : : :

For Defendant: Gregory C. Trout, Chief Counsel  
Department of Rehabilitation and  
Correction  
1050 Freeway North  
Columbus, Ohio 43229

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{¶1} THE COURT FINDS THAT:

{¶2} 1) On January 11, 2002, plaintiff, Edward J. Fredericy, filed a complaint against defendant, Madison Correctional Institution, alleging his gym shoes were lost while under defendant's control. Plaintiff seeks damages in the amount of \$63.97 for property loss, plus filing fee reimbursement. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On March 11, 2002, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$88.97.

{¶4} THE COURT CONCLUDES THAT:

{¶5} 1) I find, by a preponderance of the evidence, negligence by defendant has been shown. *Baisden v. Southern Ohio Correctional Facility* (1977), 76-0617-AD; *Stewart v. Ohio National*

*Guard* (1979), 78-0342-AD.

{¶6} "2) Plaintiff has suffered damages in the amount of \$63.97, plus the \$25.00 filing fee, which may be reimbursed as compensable damages pursuant to the holding in *Bailey v. Ohio Department of Rehabilitation and Correction* (1990), 62 Ohio Misc. 2d 19.

{¶7} Having considered all the evidence in the claim file and adopting the memorandum decision concurrently herewith;

{¶8} IT IS ORDERED THAT:

{¶9} 1) Plaintiff's claim is GRANTED and judgment is rendered in favor of the plaintiff;

{¶10} 2) Defendant (Madison Correctional Institution) pay plaintiff (Edward J. Federicy) \$88.97 and such interest as is allowed by law;

{¶11} 3) Court costs are assessed against defendant.

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DANIEL R. BORCHERT  
Deputy Clerk

RDK/laa  
5/1  
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