

IN THE COURT OF CLAIMS OF OHIO

RANEE L. LITTLE	:	
7028 St. Rt. 241	:	
Millersburg, Ohio 44654	:	Case No. 2002-01683-AD
Plaintiff	:	MEMORANDUM DECISION
v.	:	
OHIO STATE HIGHWAY PATROL	:	
Defendant	:	

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

For Defendant: Colonel Kenneth L. Morckel, Superintendent
Ohio State Highway Patrol
P.O. Box 182074
Columbus, Ohio 43218-2074
: : : : : : : : : : : : : : :

{¶1} THE COURT FINDS THAT:

{¶2} 1) On January 24, 2002, plaintiff, Ranee L. Little, filed a complaint against defendant, Ohio State Highway Patrol, alleging defendant's act damaged four of her automobile tires. Plaintiff seeks damages in the amount of \$225.64 for four replacement tires, \$15.00 for tire repair costs, and \$25.00 for filing fees. Plaintiff submitted the filing fee with her complaint;

{¶3} 2) On April 11, 2002, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$56.41 for one replacement tire, \$15.00 for tire repair, and \$25.00 for filing fees. Defendant denied liability for the cost of three additional replacement tires;

{¶4} 3) The trier of fact finds two of plaintiff's

automobile tires were damaged by defendant.

{¶5} THE COURT CONCLUDES THAT:

{¶6} 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;

{¶7} 2) Plaintiff has suffered damages in the amount of \$112.82 for tire replacement, 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.

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

{¶9} IT IS ORDERED THAT:

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

{¶11} 2) Defendant (Ohio State Highway Patrol) pay plaintiff (Ranee L. Little) \$137.82 and such interest as is allowed by law;

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

DANIEL R. BORCHERT
Deputy Clerk

RDK/laa
5/22
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