

IN THE COURT OF CLAIMS OF OHIO

JAMES SAVAGE, #383-085 :
P.O. Box 56, St. Rt. 63 :
Lebanon, Ohio 45036 : Case No. 2002-04488-AD

Plaintiff : MEMORANDUM DECISION

v. :

LEBANON 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 May 1, 2002, plaintiff, James Savage, filed a complaint against defendant, Lebanon Correctional Institution, alleging his gym shorts and gym shoes were lost while under defendant's control. Plaintiff sought damages in the amount of \$133.00 for property loss;

{¶3} 2) On May 20, 2002, defendant filed an investigation report admitting liability, but asserting plaintiff's damages should be limited to \$65.96;

{¶4} 3) Plaintiff filed a response on May 29, 2002, expressing his agreement to accept \$65.96 in satisfaction of this claim.

{¶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 \$65.96.

{¶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 (Lebanon Correctional Institution) pay plaintiff (James Savage) \$65.96 and such interest as is allowed by law;

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

DANIEL R. BORCHERT
Deputy Clerk

RDK/laa
6/11
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