

IN THE COURT OF CLAIMS OF OHIO

RANDY SAVORS, #334-427	:	
878 Coitsville Hubbard Road	:	
Youngstown, Ohio 44505	:	Case No. 2002-05158-AD
Plaintiff	:	MEMORANDUM DECISION
v.	:	
TOLEDO CORRECTIONAL	:	
INSTITUTION	:	
Defendant	:	

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

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

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

{¶1} THE COURT FINDS THAT:

{¶2} 1) On May 22, 2002, plaintiff, Randy Savors, filed a complaint against defendant, Toledo Correctional Institution, alleging his television set and radio were lost while under the control of defendant's personnel. Plaintiff seeks damages in the amount of \$286.49 for property loss. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On September 9, 2002, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$286.49 for property loss.

{¶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 \$286.49, 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 (Toledo Correctional Institution) pay plaintiff (Randy Savors) \$311.49 and such interest as is allowed by law;

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

DANIEL R. BORCHERT
Deputy Clerk

RDK/laa
10/8
Filed 10/17/02
Jr. Vol. 722, Pg. 56
Sent to S.C. reporter 10/29/02