

[Cite as *Lipp v. N. Central Correctional Inst.*, 2002-Ohio-6205.]

IN THE COURT OF CLAIMS OF OHIO

CHARLES E. LIPP, #193-850 :  
P.O. Box 57 :  
Marion, Ohio 43302 : Case No. 2002-05735-AD  
  
Plaintiff : MEMORANDUM DECISION  
  
v. :  
  
NORTH CENTRAL CORRECTIONAL :  
INSTITUTION :  
  
Defendant :

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

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

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

FINDINGS OF FACT

{¶1} 1) Plaintiff, Charles E. Lipp, an inmate incarcerated at defendant, North Central Correctional Institution, has alleged that between April 16, 2002 and May 2, 2002, his television set was lost or stolen while under the custody of defendant's personnel.

{¶2} 2) Plaintiff filed this complaint seeking to recover \$215.00, the price of the television set when purchased on December 19, 2000. Plaintiff also requested filing fee reimbursement.

{¶3} 3) Defendant admitted liability for the loss of plaintiff's television set. However, defendant has disputed plaintiff's damage claim based on real value.

{¶4} 4) Plaintiff filed a response. Plaintiff did not dispute the fact the television set was at least sixteen months old

when plaintiff's cause of action accrued.

#### CONCLUSIONS OF LAW

{¶5} 1) Negligence has been shown in respect to the loss of plaintiff's television set. *Baisden v. Southern Ohio Correctional Facility* (1977), 76-0617-AD; *Stewart v. Ohio National Guard* (1979), 78-0342-AD.

{¶6} 2) As trier of fact, this court has the power to award reasonable damages based on evidence presented. *Sims v. Southern Ohio Correctional Facility* (1988), 61 Ohio Misc. 2d 239.

{¶7} 3) Defendant is liable to plaintiff in the amount of \$175.00, 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 (North Central Correctional Institution) pay plaintiff (Charles E. Lipp) \$200.00 and such interest as is allowed by law;

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

DANIEL R. BORCHERT  
Deputy Clerk

RDK/laa  
10/10  
Filed 10/31/02  
Sent to S.C. reporter 11/15/02