

IN THE COURT OF CLAIMS OF OHIO

GILBERT C. LOUIS, #A170-083 :
P.O. Box 1812 :
670 Marion-Williamsport Road : Case No. 2002-05999-AD
Marion, Ohio 43301 :
 :
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

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{¶1} THE COURT FINDS THAT:

{¶2} 1) On June 17, 2002, plaintiff, Gilbert C. Louis, filed a complaint against defendant, North Central Correctional Institution, alleging his personal property was lost while under the control of defendant's personnel. Plaintiff seeks damages in the amount of \$24.40 for property loss, plus \$25.00 for filing fees. Plaintiff submitted the filing fee on September 19, 2002;

{¶3} 2) On September 26, 2002, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages;

{¶4} 3) Plaintiff filed a response expressing his agreement with the investigation report.

{¶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 suffered damages in the amount of \$24.40, 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 (Gilbert C. Louis) \$49.40 and such interest as is allowed by law;

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

DANIEL R. BORCHERT
Deputy Clerk