

[Cite as *Eastman v. Lorain Corr. Inst.*, 2003-Ohio-103.]

IN THE COURT OF CLAIMS OF OHIO

DAVID EASTMAN, #R145-477	:	
1851 St. Rt. 56, Box 740	:	
London, Ohio 43140-0740	:	Case No. 2002-05841-AD
Plaintiff	:	MEMORANDUM DECISION
v.	:	
LORAIN 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 13, 2002, plaintiff, David Eastman, filed a complaint against defendant, Lorain Correctional Institution, alleging his personal property was lost or damaged during a transfer procedure. Plaintiff seeks damages in the amount of \$395.00. Plaintiff submitted the filing fee on August 20, 2002;

{¶3} 2) On November 27, 2002, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$395.00 for property loss, plus the filing fee;

{¶4} 3) Plaintiff filed a response.

{¶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 \$395.00, 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 (Lorain Correctional Institution) pay plaintiff (David Eastman) \$420.00 and such interest as is allowed by law;

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

DANIEL R. BORCHERT
Deputy Clerk

RDK/laa
12/18
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