

[Cite as *Spradlin v. Ohio State Highway Patrol*, 2003-Ohio-118.]

IN THE COURT OF CLAIMS OF OHIO

MICHAEL D. SPRADLIN :
4295 St. Rt. 103 :
Bluffton, Ohio 45817 : Case No. 2002-08971-AD

Plaintiff : MEMORANDUM DECISION

v. :

OHIO STATE HIGHWAY PATROL :

Defendant :

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

For Defendant: Colonel Kenneth L. Morckel
Ohio State Highway Patrol
P.O. Box 182074
Columbus, Ohio 43218-2074
: : : : : : : : : : : : : : :

{¶1} THE COURT FINDS THAT:

{¶2} 1) On October 2, 2002, plaintiff, Michael D. Spradlin, filed a complaint against defendant, Ohio State Highway Patrol, alleging his automobile was damaged by a canine under the control of defendant's personnel. Plaintiff seeks damages in the amount of \$300.00 for automotive repair. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On November 15, 2002, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$300.00, plus the filing fee.

{¶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 \$300.00, 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.

{¶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 (Ohio State Highway Patrol) pay plaintiff (Michael D. Spradlin) \$325.00 and such interest as is allowed by law;

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

DANIEL R. BORCHERT
Deputy Clerk

RDk/laa
12/18
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