

[Cite as *Hill v. Ohio Reformatory for Women*, 2003-Ohio-2168.]

IN THE COURT OF CLAIMS OF OHIO

MARQUITA HILL :  
Plaintiff :  
v. : CASE NO. 2002-10241-AD  
OHIO REFORMATORY FOR WOMEN : ENTRY OF DISMISSAL  
Defendant :

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{¶1} THE COURT FINDS THAT:

{¶2} 1) On November 22, 2002, plaintiff, Marquita Hill, filed a complaint against defendant, Ohio Reformatory for Women. Plaintiff asserts due to defendant's negligence her personal property was lost during her transfer from Ohio Reformatory for Women to Oakwood Correctional Facility. Plaintiff seeks damages in the amount of \$188.01;

{¶3} 2) On January 8, 2003, this court received numerous documents from plaintiff which she wishes to include in the case file;

{¶4} 3) On January 17, 2003, plaintiff submitted a letter inquiring whether the court received the aforementioned documents;

{¶5} 4) On February 14, 2003, defendant filed a motion for summary judgment;

{¶6} 5) In support of the motion for summary judgment, defendant stated in pertinent part:

{¶7} "The plaintiff filed a previous complaint on the same cause of action and subject matter of this complaint with this Court on or about October 29, 2001. See, *Hill v.*

*Oakwood Correctional Facility* (2002), 2001-10620-AD; . . . Both complaints sound in tort, namely the negligent loss of property. In her previous complaint, the plaintiff alleged some of her personal property was missing when she arrived at OCF from ORW on August 24, 2001. On October 29, 2001, the defendant filed an affidavit admitting liability and acknowledging the plaintiff suffered damages in the amount of \$221.12. On February 14, 2002, this Court issued judgment that found the defendant negligently lost the defendant's personal property. This Court awarded her \$221.12 in damages.

{¶8} “The plaintiff’s instant action should be denied with prejudice because she has not escaped the operation of res judicata that one and the same causes of action shall not be twice litigated. She failed in her duty to raise all claims for relief in her former cause of action. This Court already issued a final judgment on the cause of action and subject matter of the plaintiff’s present complaint. It already compensated her for the loss caused by defendant’s admitted negligence in failing to return to her upon her arrival at OCF some of the property it took from her when she was sent to special security status. She is not entitled to recover in a new lawsuit for relief arising out of the same cause of action and subject matter as the previous complaint upon which this Court has issued final judgment. The law does not allow a plaintiff to split a cause of action into two different lawsuits. By failing to complain in her previous complaint about the loss of a radio and hygiene items arising out of the subject matter of the causes of action, she waived her right to compensation for them.”;

{¶9} 6) Plaintiff has not responded to defendant’s motion for summary judgment.

{¶10} THE COURT CONCLUDES THAT:

{¶11} 1) Civ. R. 56(C) in pertinent part states:

{¶12} “Summary judgment shall be rendered forthwith if the pleadings . . . show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. No evidence or stipulation may be considered except as

stated in this rule. A summary judgment shall not be rendered unless it appears from the evidence or stipulation, and only from the evidence or stipulation, that reasonable minds can come to but one conclusion and that conclusion is adverse to the party against whom the motion for summary judgment is made, that party being entitled to have the evidence or stipulation construed most strongly in the party's favor. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.”;

{¶13} 2) A final judgment on the merits rendered by a court of competent jurisdiction constitutes an absolute bar to a subsequent action involving the same claim or cause of action between the same parties or privies, even if the actions differ in form. *Hites v. Irvine's Admr.* (1862), 13 Ohio St. 283, 286-288. Where the subject matter and causes of action are identical, a former judgment is conclusive between the parties not only to matters actually determined by also as to any other matters of fact or law which could have been determined by the court. *Covington & Cincinnati Bridge Co. v. Sargent* (1875), 27 Ohio St. 2d 237. A party has waived its right to introduce matters for the court's consideration when the party might have introduced the same matters in a previous cause of action before the court. *Id.* at 237-238. The primary basis of res judicata is identity of causes of action. If there is identity of facts and evidence necessary to sustain each claim, the judgment of the former is bar to judgment of the latter. *Norwood v. McDonald* (1943), 142 Ohio St. 299, 305;

{¶14} 3) In the case at bar, plaintiff had the opportunity to raise all issues surrounding the negligence of the defendant in *Hill v. Oakwood Correctional Facility* (2002), 2001-10620-AD. However, the plaintiff failed to do so. Accordingly, plaintiff's case at bar is barred by the doctrine of res judicata.

{¶15} IT IS ORDERED THAT:

{¶16} 1) Defendant's motion to dismiss is GRANTED;

{¶17} 2) Plaintiff's case is DISMISSED;

{¶18} 3) Court costs are assessed against plaintiff.

DANIEL R. BORCHERT  
Deputy Clerk

Order cc:

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