

[Cite as *Bodner v. Ohio State Highway Patrol*, 2003-Ohio-2274.]

IN THE COURT OF CLAIMS OF OHIO

DAVID BODNER	:	Case No. 2003-02021-AD
Plaintiff	:	MEMORANDUM DECISION
v.	:	
OHIO STATE HIGHWAY PATROL	:	
Defendant	:	

.....

{¶1} THE COURT FINDS THAT:

{¶2} 1) On January 30, 2003, plaintiff, David Bodner, filed a complaint against defendant, Ohio State Highway Patrol, alleging his hayfield was damaged by defendant's personnel. Plaintiff seeks damages in the amount of \$150.00. Plaintiff submitted the filing fee with his complaint. Plaintiff submitted a document establishing the damage to his property was estimated at \$146.00;

{¶3} 2) On February 28, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$146.00, plus \$25.00 for filing fees;

{¶4} 3) On March 28, 2003, plaintiff filed a response to defendant's investigation report expressing his agreement with the 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 has suffered damages in the amount of \$146.00, 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 (Ohio State Highway Patrol) pay plaintiff (David Bodner) \$171.00 and such interest as is allowed by law;

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

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

David Bodner Plaintiff, Pro se.
61252 Gildea Road
Salesville, Ohio 43778

Colonel Paul D. McClellan
Ohio State Highway Patrol
P.O. Box 182074
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For Defendant

RDK/laa
3/28
Filed April 18, 2003
Sent to S.C. Reporter 5/6/03