

[Cite as *Morgan v. Ohio Dept. of Rehab. & Corr.*, 2003-Ohio-2626.]

IN THE COURT OF CLAIMS OF OHIO

DIANE M. E. MORGAN :

Plaintiff :

v. :

CASE NO. 2003-01741-AD

DEPARTMENT OF REHABILITATION :
AND CORRECTION :

MEMORANDUM DECISION

Defendant :

.....

{¶1} THE COURT FINDS THAT:

{¶2} 1) On January 22, 2003, plaintiff, Diane M. E. Morgan, filed a complaint against defendant, Department of Rehabilitation and Correction alleging her automobile was damaged while traveling on defendant's premises. Plaintiff seeks damages in the amount of \$250.00, her insurance coverage deductible for automotive damage. Plaintiff submitted the filing fee with her complaint;

{¶3} 2) On March 7, 2003 defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$250.00 for property damage, plus \$25.00 for filing fee reimbursement.

{¶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 \$250.00, 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 Department of Rehabilitation and Correction) pay plaintiff (Diane M. E. Morgan) \$275.00 and such interest as is allowed by law;

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

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Diane M. E. Morgan
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Marion, Ohio 43302

Plaintiff, Pro se

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For Defendant

RDK/tad
4/22
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