

[Cite as *Taylor v. S. Ohio Correctional Facility*, 2003-Ohio-3740.]

IN THE COURT OF CLAIMS OF OHIO

BRACK W. TAYLOR	:	
Plaintiff	:	
v.	:	CASE NO. 2003-06026-AD
SOUTHERN OHIO CORR. FACILITY	:	<u>MEMORANDUM DECISION</u>
Defendant	:	

: : : : : : : : : : :

{¶1} THE COURT FINDS THAT:

{¶2} 1) On May 19, 2003, plaintiff, Brack W. Taylor, filed a complaint against defendant, Southern Ohio Correctional Facility, alleging his television set was damaged by defendant's personnel. Plaintiff seeks damages in the amount of \$100.00 for property damage. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On May 19, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$100.00.

{¶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 \$100.00, 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, for the reasons set forth in the memorandum decision filed concurrently herewith, judgment is rendered in

favor of plaintiff in the amount of \$125.00, which includes the filing fee. Court costs shall be absorbed by the court. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

DANIEL R. BORCHERT  
Deputy Clerk

Entry cc:

Brack W. Taylor, #A316-320  
788 Minford-Lucasville Road  
P.O. Box 45699  
Lucasville, Ohio 45699-0001

Plaintiff, Pro se

James S. Haviland, Warden  
Southern Ohio Correctional  
Facility  
P.O. Box 45699  
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Defendant

RDK/laa  
6/11  
Filed 7/1/03  
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