

IN THE COURT OF CLAIMS OF OHIO

DAVID HOWARD :
5075 Lemoyne Drive :
Huber Heights, Ohio 45424 : Case No. 2002-08980-AD

Plaintiff : MEMORANDUM DECISION

v. :

INDIAN LAKE STATE PARK :

Defendant :

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

For Defendant: Charles G. Rowan
Deputy Chief Counsel
Ohio Department of Natural Resources
1930 Belcher Drive
Building D-3
Columbus, Ohio 43224-1387
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{¶1} THE COURT FINDS THAT:

{¶2} 1) On October 2, 2002, plaintiff, David Howard, filed a complaint against defendant, Department of Natural Resources, alleging his air condition unit was destroyed as a result of a faulty power supply at defendant's Indian Lake State Park. Plaintiff seeks damages in the amount of \$850.93 for property damage. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On December 13, 2002, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$850.93.

{¶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 \$850.93, 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 (Indian Lake State Park) pay plaintiff (David Howard) \$875.93 and such interest as is allowed by law;

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

DANIEL R. BORCHERT
Deputy Clerk