

IN THE COURT OF CLAIMS OF OHIO

BRANDON BURROUGHS	:	
1597 Bay Club Circle	:	
Columbus, Ohio 43228	:	Case No. 2002-10500-AD
Plaintiff	:	MEMORANDUM DECISION
v.	:	
NOBLE CORRECTIONAL INSTITUTION	:	
Defendant	:	

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For Defendant: Gregory C. Trout, Chief Counsel  
 Department of Rehabilitation and  
 Correction  
 1050 Freeway North  
 Columbus, Ohio 43229

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{¶1} THE COURT FINDS THAT:

{¶2} 1) On December 2, 2002, plaintiff, Brandon Burroughs, filed a complaint against defendant, Noble Correctional Institution, alleging his sundry package containing clothing items was lost while under the control of defendant's personnel. Plaintiff seeks damages in the amount of \$295.71 for property loss. 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 \$295.71, plus filing fees;

{¶4} 3) On December 20, 2002, 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 \$295.71, 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 (Noble Correctional Institution) pay plaintiff (Brandon Burroughs) \$320.71 and such interest as is allowed by law;

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

DANIEL R. BORCHERT  
Deputy Clerk