

[Cite as *Ludwick v. Rocky Fork State Park*, 2003-Ohio-4489.]

IN THE COURT OF CLAIMS OF OHIO

JEANETTE LUDWICK	:	
Plaintiff	:	
v.	:	CASE NO. 2003-04414-AD
ROCKY FORK STATE PARK	:	<u>MEMORANDUM DECISION</u>
Defendant	:	

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FINDINGS OF FACT

{¶1} 1) On October 17, 2002, plaintiff, Jeanette Ludwick, broke her finger when she tripped and fell while walking on the grounds of defendant, Rocky Fork State Park. Plaintiff consequently filed this claim seeking to recover \$2,400.00 for medical expenses and work loss related to her slip and fall injury. Plaintiff submitted the filing fee on April 9, 2003.

{¶2} 2) Defendant filed an investigation report admitting liability for plaintiff's injury, but disputing the damages claimed. Defendant submitted evidence in the form of medical treatment bills which suggest plaintiff's total out-of-pocket medical expense incurred amounted to about \$579.00. Plaintiff did not provide any evidence other than her own assertion to show her medical expenses totaled the amount claimed in her complaint. Plaintiff did not provide any evidence to substantiate her work loss claim.

CONCLUSIONS OF LAW

{¶3} 1) The court concludes, negligence by defendant has been shown in respect to plaintiff's injuries. *Baisden v. Southern Ohio Correctional Facility* (1977), 76-0617-AD; *Stewart v. Ohio National Guard* (1979), 78-0342-AD.

{¶4} 2) As trier of fact, this court has the power to award reasonable damages based on evidence presented. *Sims v. Southern Ohio Correctional Facility* (1988), 61 Ohio Misc. 2d 239;

{¶5} 3) Damage assessment is a matter within the function of the trier of fact. *Litchfield v. Morris* (1985), 25 Ohio App. 3d 42. Reasonable certainty as to the amount of damages is required, which is that degree of certainty of which the nature of the case admits. *Bemmes v. Pub. Emp. Retirement Sys. Of Ohio* (1995), 102 Ohio App. 3d 782. Sufficient evidence is available to assist the trier of fact in making a damage determination. Defendant is liable to plaintiff in the amount of \$1,000.00, which includes all medical expenses, work loss, filing fee reimbursement, and pain and suffering damages.

{¶6} 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 \$1,000.00, which includes the filing fee. Court costs are assessed against defendant. 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:

Jeanette Ludwick
151 Greystone Drive
Hillsboro, Ohio 45133

Plaintiff, Pro se

Charles G. Rowan
Deputy Chief Counsel
Department of Natural Resources
1930 Belcher Drive, D-3
Columbus, Ohio 43224-1387

Defendant

DRB/laa
7/30
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