

[Cite as *Sotka v. Warren Correctional Inst.*, 2003-Ohio-4499.]

IN THE COURT OF CLAIMS OF OHIO

MARK J. SOTKA	:	
Plaintiff	:	
v.	:	CASE NO. 2003-08029-AD
WARREN CORRECTIONAL INST.	:	<u>MEMORANDUM DECISION</u>
Defendant	:	

: : : : : : : : : : :

THE COURT FINDS THAT:

“1) On July 21, 2003, plaintiff, Mark J. Sotka, filed a complaint against defendant, Warren Correctional Institution, alleging defendant’s personnel lost his cassette player and headphones. Plaintiff seeks damages in the amount of \$34.00 for his property loss. Plaintiff submitted the filing fee with his complaint;

“2) On July 21, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$34.00 for property loss.

THE COURT CONCLUDES THAT:

“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;

“2) Plaintiff has suffered damages in the amount of \$34.00, 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.

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 \$59.00, 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:

Mark J. Sotka, #271-582
P.O. Box 120
Lebanon, Ohio 45036

Plaintiff, Pro se

Wanza Jackson, Warden
Warren Correctional Institution
P.O. Box 120
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For Defendant

DRB/laa
7/30
Filed 8/13/03
Sent to S.C. reporter 8/25/03