

[Cite as *Foster v. Ohio Dept. of Rehab. & Corr.*, 2003-Ohio-5300.]

IN THE COURT OF CLAIMS OF OHIO

LAMONT FOSTER

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Plaintiff

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V.

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□

CASE NO. 2003-08380-AD

DEPT. OF REHAB. AND  
CORRECTIONS

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## MEMORANDUM DECISION

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Defendant

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**{¶1} THE COURT FINDS THAT:**

{¶2} 1) On July 28, 2003, plaintiff, Lamont Foster, filed a complaint against defendant, Department of Rehabilitation and Correction, alleging defendant's negligence caused the loss of his personal property. Plaintiff seeks damages in the amount of \$26.00;

{¶3} 2) On July 28, 2003, plaintiff submitted a cashier's statement. Upon review, the court has determined the validity of the statement and hereby waives payment of the filing fee only;

{¶4} 3) On July 28, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$26.00.

{¶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 \$26.00.

{¶8} 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 \$26.00, 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:

Lamont Foster, #A422-564  
P.O. Box 788  
Mansfield, Ohio 44901

Plaintiff, Pro se

Margaret Bradshaw, Warden  
Mansfield Correctional Institution  
1150 North Main Street  
Mansfield, Ohio 44901

For Defendant

DRB/laa  
8/27  
Filed 9/10/03  
Sent to S.C. reported 9/10/03