

[Cite as *Dean v. Ross Correctional Inst.*, 2003-Ohio-5796.]

IN THE COURT OF CLAIMS OF OHIO

SETH DEAN :
Plaintiff :
v. : CASE NO. 2003-08053-AD
ROSS CORRECTIONAL INST. : MEMORANDUM DECISION
Defendant :

.....

{¶1} THE COURT FINDS THAT:

{¶2} 1) On July 21, 2003, plaintiff, Seth Dean, filed a complaint against defendant, Ross Correctional Institute, alleging defendant’s personnel lost his radio. Plaintiff seeks damages in the amount of \$45.00 for property loss. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On September 10, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$45.00 for property loss.

{¶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 \$45.00, 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.

{¶7} 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 \$70.00, 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:

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For Defendant

RDK/laa
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