

[Cite as *Terrell v. Ohio Reformatory for Women*, 2003-Ohio-5911.]

IN THE COURT OF CLAIMS OF OHIO

D'NANEKAI N. TERRELL :

Plaintiff :

v. :

CASE NO. 2003-04082-AD

OHIO REFORMATORY FOR WOMEN :

ENTRY OF DISMISSAL

Defendant :

: : : : : : : : : : : :

{¶1} THE COURT FINDS THAT:

{¶2} 1) On March 26, 2003, plaintiff, D'Nanekai N. Terrell, filed a complaint against defendant, Ohio Reformatory for Women. Plaintiff alleges on or about March 10, 2000, she was transferred from the institution's general population to a segregation unit. Plaintiff was subsequently transferred to Oakwood Correctional Facility and then returned to a segregation unit at the Ohio Reformatory for Women. According to plaintiff, defendant's personnel exercised control over her property incident to all transfers beginning on March 10, 2000;

{¶3} 2) Plaintiff asserts on February 4, 2002, she filed a complaint based on the above incident but due to the intentional actions of Inspector Wright who allegedly lied about the property plaintiff possessed she only received a judgment in the amount of \$70.00 which included reimbursement of the filing fee;

{¶4} 3) Plaintiff asserts the following items were lost while stored in defendant's vault:

1 hat	1 head scarf
8 pairs of tights	1 walkman with headphones
2 pairs of long underwear	photographs
underwear	3 pairs of socks

1 sweat suit	commissary articles
2 t-shirts	pajamas
1 trash can	1 mirror
1 watch	1 cross with chain
assorted makeup	assorted hair care products
1 pencil sharpener	1 pair of sun glasses
1 photo album	1 umbrella
1 pair of earrings	1 antenna
1 sweater	1 sweat shirt
1 clock	1 lock
1 mug	1 pair of boots
3 doo rags	1 electric shaver;

{¶5} 4) Plaintiff filed this complaint seeking to recover \$1,363.23, the estimated value of her alleged missing property and reimbursement of the filing fee;

{¶6} 5) On June 11, 2003, defendant filed a motion for summary judgment;

{¶7} 6) In support of the motion, defendant stated in pertinent part:

{¶8} “Both complaints allege that the defendant negligently lost her property. Specifically, both complaints allege that the defendant took possession of her property when she was sent to segregation. Both complaints allege that the defendant failed to return this property on January 9, 2002. Both complaints allege that the defendant took items of her property when she was transferred from OCF to ORW. Both complaints allege the defendant failed to return this property after she arrived at ORW.

{¶9} “A final judgment on the merits rendered by a court of competent jurisdiction constitutes an absolute bar to a subsequent action involving the same claim or cause of action between the same parties or privies, even if the actions differ in form. *Hites v. Irvine’s Admr.* (1862), 13 Ohio St. 283, 286-288. Where the subject matter and causes of action are identical, a former judgment is conclusive between the parties not only to matters actually determined but also as to any other matters of fact or law which could have been determined by the court. *Covington v. Cincinnati Bridge Co. v. Sargent* (1875), 27 Ohio St. 233, 237. A party has waived its right to introduce new matters for the court’s consideration when the party might have introduced the same matters in a previous cause of action before the court. *Id.* at 237-238. The primary basis of res judicata is identity of

causes of action. If there is identity of facts and evidence necessary to sustain each claim, the judgment of the former is bar to judgment of the later. *Norwood v. McDonald v. Ohio State Univ. Veterinary Hosp.* (1943), 142 Ohio St. 299, 305.”;

{¶10} 7) Plaintiff has not responded to defendant’s motion for summary judgment.

{¶11} THE COURT CONCLUDES THAT:

{¶12} 1) Under the doctrine of res judicata, “[a] valid, final judgment rendered upon the merits bars all subsequent actions based upon any claim arising out of the transaction or occurrence that was the subject matter of the previous action.” *Grava v. Parkman Twp.* (1995), 73 Ohio St. 3d 379, 653 N.E. 2d 226, syllabus. Res judicata operates to bar litigation of “all claims which were or might have been litigated in a first lawsuit.” (Emphasis omitted.) Id. at 382, 653 N.E. 2d at 229, quoting *Natl. Amusements, Inc. v. Springdale* (1990), 53 Ohio St. 3d 60, 62, 558 N.E. 2d 1178, 1180;

{¶13} 2) Plaintiff is barred from relitigating the same incident;

{¶14} 3) Defendant is not responsible for the actions of its employees who acted willfully or beyond the scope of their employment. *James H. v. Department of Mental Health and Mental Retardation* (1986), 1 Ohio App. 3d 60; 439 N.E. 2d 437.

{¶15} IT IS ORDERED THAT:

{¶16} Having considered all the evidence in the claim file and, for the reasons set forth above, defendant’s motion to dismiss is GRANTED. Plaintiff’s case is DISMISSED. Court costs are assessed against plaintiff. The clerk shall serve upon all parties notice of this dismissal and its date of entry upon the journal.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

D’Nanekai N. Terrell, #28814
1479 Collins avenue

Plaintiff, Pro se

Case No. 2003-04082-AD

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ENTRY

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For Defendant

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9/19
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