

[Cite as *Paxson v. Warren Correctional Inst.*, 2003-Ohio-6033.]

IN THE COURT OF CLAIMS OF OHIO

JAMES L. PAXSON :

Plaintiff :

v. : CASE NO. 2003-09327-AD

WARREN CORRECTIONAL : MEMORANDUM
INSTITUTION : DECISION

Defendant :

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

{¶1} THE COURT FINDS THAT:

{¶2} 1) On September 2, 2003, plaintiff, James L. Paxson, filed a complaint against defendant, Warren Correctional Institution, alleging his radio/cassette player was damaged while under the control of defendant's personnel. Plaintiff seeks damages in the amount of \$43.50 for property loss, plus filing fee reimbursement. The filing fee was paid.

{¶3} 2) On September 15, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$43.50 for property loss, plus filing fees;

{¶4} 3) Plaintiff filed a response to defendant's investigation report expressing his agreement.

{¶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 \$43.50, plus the

\$25.00 filing fee, which may be reimbursed as compensable damages pursuant to the holding in *Bailey v. Ohio Dept. of Rehab. & Corr.* (1990), 62 Ohio Misc. 2d 19.

{¶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 \$68.50, 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:

James L. Paxson, #128-417
P.O. Box 120
Lebanon, Ohio 45036

Plaintiff, Pro se

Gregory C. Trout, Chief Counsel
Department of Rehabilitation
and Correction
1050 Freeway Drive North
Columbus, Ohio 43229

For Defendant

RDK/laa
10/7
Filed 10/17/03
Sent to S.C. reporter 11/10/03