

[Cite as *Brown v. Toledo Correctional Inst.*, 2003-Ohio-6596.]

IN THE COURT OF CLAIMS OF OHIO

RAYMOND BROWN	:	
Plaintiff	:	
v.	:	CASE NO. 2003-08703-AD
TOLEDO CORRECTIONAL INSTITUTION	:	<u>MEMORANDUM DECISION</u>
Defendant	:	
	:	

{¶1} THE COURT FINDS THAT:

{¶2} 1) On August 7, 2003, plaintiff, Raymond Brown, filed a complaint against defendant, Toledo Correctional Institution, alleging defendant's personnel held his broken typewriter in storage until the warranty on the device expired. Plaintiff seeks damages in the amount of \$103.90, the total replacement cost of the typewriter, plus \$4.50 for shipping costs. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On October 9, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$133.40.

{¶4} 3) On October 27, 2003, plaintiff filed a response to defendant's investigation report.

{¶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 \$108.40, 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.

{¶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 \$133.40, 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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Plaintiff, Pro se

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For Defendant

DRB/laa
10/25
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