

[Cite as *Flick v. Hueston Woods State Park*, 2003-Ohio-7134.]

IN THE COURT OF CLAIMS OF OHIO

GERALD A. FLICK :

Plaintiff :

v. : CASE NO. 2003-09467-AD

HUESTON WOODS STATE PARK : MEMORANDUM
DECISION

Defendant :

: : : : : : : : : : :

{¶1} THE COURT FINDS THAT:

{¶2} 1) On September 5, 2003, plaintiff, Gerald A. Flick, filed a complaint against defendant, Hueston Woods State Park, alleging his truck was damaged on defendant's premises. Plaintiff seeks damages in the amount of \$2,227.44 for truck repair costs. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On November 7, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages.

{¶4} 3) On November 19, 2003, plaintiff filed a response to the 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 \$2,227.44, 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 \$2,252.44, 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

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12/2
Filed 12/9/03
Sent to S.C. reporter 12/29/03