

[Cite as *Salisbury v. Ohio State Highway Patrol*, 2003-Ohio-7145.]

IN THE COURT OF CLAIMS OF OHIO

ROBERT SALISBURY :  
Plaintiff :  
v. : CASE NO. 2003-10902-AD  
OHIO STATE HIGHWAY PATROL : MEMORANDUM DECISION  
Defendant :

.....

{¶1} THE COURT FINDS THAT:

{¶2} 1) On October 24, 2003, plaintiff, Robert Salisbury, filed a complaint against defendant, Ohio State Highway Patrol, alleging his truck was damaged by a dog under the control of defendant’s personnel. Plaintiff seeks damages in the amount of \$798.56 for repair expenses. 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 in the amount of \$798.56 for repair costs, plus \$25.00 for filing fees.

{¶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 \$798.56, 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 \$823.56, 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:

Robert Salisbury      Plaintiff, Pro se  
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For Defendant

RDK/laa  
12/2  
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