

IN THE COURT OF CLAIMS OF OHIO

GARY GREENWALD, #338-503 :  
P.O. Box 5500 :  
Chillicothe, Ohio 45601 : Case No. 2003-01369-AD

Plaintiff : MEMORANDUM DECISION

v. :

CHILLICOTHE CORRECTIONAL INST. :

Defendant :

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

For Defendant: James L. Erwin, Warden  
Chillicothe Correctional Institution  
P.O. Box 5500  
Chillicothe, Ohio 45601  
: : : : : : : : : : : : : : :

{¶1} THE COURT FINDS THAT:

{¶2} 1) On January 13, 2003, plaintiff, Gary Greenwald, filed a complaint against defendant, Chillicothe Correctional Institution, alleging his television set was broken while under the control of defendant's personnel. Plaintiff seeks damages in the amount of \$150.00 for property loss, plus \$25.00 for filing fee reimbursement. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On January 13, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$175.00.

{¶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 \$150.00, 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 adopting the memorandum decision concurrently herewith;

{¶8} IT IS ORDERED THAT:

{¶9} 1) Plaintiff's claim is GRANTED and judgment is rendered in favor of the plaintiff;

{¶10} 2) Defendant (Chillicothe Correctional Institution) pay plaintiff (Gary Greenwald) \$175.00 and such interest as is allowed by law;

{¶11} 3) The court shall absorb the court costs of this case.

DANIEL R. BORCHERT  
Deputy Clerk

RDK/laa  
1/15  
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