

[Cite as *Sears v. Lorain Correctional Inst.*, 2003-Ohio-943.]

IN THE COURT OF CLAIMS OF OHIO

ERIC SEARS, #A334-893 :
2075 South Avon Belden Road :
Grafton, Ohio 44044 : Case No. 2003-01903-AD

Plaintiff : MEMORANDUM DECISION

v. :

LORAIN CORRECTIONAL :
INSTITUTION :

Defendant :

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

For Defendant: Linda S. Thomas, Warden
Lorain Correctional Institution
2075 South Avon-Beldon Road
Grafton, Ohio 44044
: : : : : : : : : : : : : : :

{¶1} THE COURT FINDS THAT:

{¶2} 1) On January 27, 2003, plaintiff, Eric Sears, filed a complaint against defendant, Lorain Correctional Institution, alleging defendant's employees destroyed his property. Plaintiff seeks damages in the amount of \$90.64 for property loss. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On January 27, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$90.64.

{¶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 \$90.64, 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 (Lorain Correctional Institution) pay plaintiff (Eric Sears) \$115.64 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
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