

[Cite as *Grenier v. Ohio State Highway Patrol*, 2004-Ohio-1081.]

IN THE COURT OF CLAIMS OF OHIO

ELIZABETH GRENIER :
Plaintiff :
v. : CASE NO. 2003-11178-AD
OHIO STATE PATROL : MEMORANDUM DECISION
Defendant :

.....

{¶1} THE COURT FINDS THAT:

{¶2} 1) On November 3, 2003, plaintiff, Elizabeth Grenier, filed a complaint against defendant, Ohio State Highway Patrol, alleging her automobile was damaged as a proximate cause of negligence on the part of defendant’s employees. Plaintiff seeks damages in the amount of \$215.63 for automotive repair, \$36.69 for work loss, \$20.00 for mailing, and \$25.00 for filing fees which were submitted. Mailing costs are not compensable damages;

{¶3} 2) On December 16, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$240.63 for automotive repair and filing fees;

{¶4} 3) On January 7, 2004, plaintiff filed a response to defendant’s investigation report asserting her work loss should be reimbursed. The trier of fact agrees.

{¶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 \$252.32, 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 \$277.32, 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:

Elizabeth Grenier
713 East Main Street
Madison, Ohio 44057

Plaintiff, Pro se

Colonel Paul D. McClellan
Ohio State Highway Patrol
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For Defendant

RDK/laa
2/23
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