

[Cite as *Greathouse v. Ohio State Penitentiary*, 2004-Ohio-1361.]

IN THE COURT OF CLAIMS OF OHIO

DONNEY GREATHOUSE :
Plaintiff :
v. : CASE NO. 2004-01681-AD
OHIO STATE PENITENTIARY : MEMORANDUM DECISION
Defendant :

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{¶1} THE COURT FINDS THAT:

{¶2} 1) On January 26, 2004, plaintiff, Donney Greathouse, filed a complaint against defendant, Ohio State Penitentiary, alleging his alarm clock was lost by defendant's personnel. Plaintiff seeks damages in the amount of \$11.29, the purchase price of a new alarm clock, plus \$25.00 for filing fee reimbursement. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On January 26, 2004, defendant filed an investigation report admitting liability.

{¶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 \$11.29, 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 \$36.29, which includes the filing fee. Court costs are absorbed by the court. 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

Todd Ishee, Warden
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For Defendant

DRB/RDK/laa
2/18
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