

[Cite as *Steimle v. Warren Correctional Inst.*, 2004-Ohio-1362.]

IN THE COURT OF CLAIMS OF OHIO

CHRIST STEIMLE	:	
Plaintiff	:	
v.	:	CASE NO. 2004-01737-AD
WARREN CORR. INST.	:	<u>MEMORANDUM DECISION</u>
Defendant	:	

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

{¶1} THE COURT FINDS THAT:

{¶2} 1) On January 27, 2004, plaintiff, Christ Steimle, filed a complaint against defendant, Warren Correctional Institution, alleging his photographs were lost by defendant's personnel. Plaintiff seeks damages in the amount of \$17.00, the estimated value of the photographs, plus \$25.00 for filing fee reimbursement. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On January 27, 2004, defendant filed an investigation report admitting liability but asserting plaintiff's damages should be limited to \$15.00 for property loss. The trier of fact agrees.

{¶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 \$15.00, 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, for the reasons set forth in the memorandum decision filed concurrently herewith, judgment is rendered in favor of plaintiff in the amount of \$40.00, 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:

Christ Steimle, #377-586
P.O. Box 120
Lebanon, Ohio 45036

Plaintiff, Pro se

Wanza Jackson, Warden
Warren Correctional Institution
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For Defendant

DRB/RDK/laa
2/20
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