

[Cite as *Dunn v. Southeastern Correctional Inst.*, 2004-Ohio-1837.]

IN THE COURT OF CLAIMS OF OHIO

TROY DUNN	:	
Plaintiff	:	
v.	:	CASE NO. 2004-02750-AD
SOUTHEASTERN CORRECTIONAL INST.	:	<u>MEMORANDUM DECISION</u>
Defendant	:	
	:	

{¶1} THE COURT FINDS THAT:

{¶2} 1) On February 24, 2004, plaintiff, Troy Dunn, filed a complaint against defendant, Southeastern Correctional Institution, alleging defendant's employee damaged his watch. Plaintiff seeks damages in the amount of 50 for property loss, plus \$25 for filing fee reimbursement. Plaintiff submitted the filing fee on March 12, 2004;

{¶3} 2) On February 24, 2004, defendant filed an investigation report admitting liability and damages in the amount of \$50.00 for property loss.

{¶4} THE COURT CONCLUDES THAT:

{¶5} 1) I find, by a preponderance of the evidence, negligence by defendant has been shown. *Baisden v. S. Ohio Correctional Facility* (1977), 76-0617-AD; *Stewart v. Ohio Natl. Guard* (1979), 78-0342-AD;

{¶6} 2) Plaintiff has suffered damages in the amount of \$50,

plus the \$25 filing fee, which may be reimbursed as compensable damages pursuant to the holding in *Bailey v. Ohio Dept. of Rehab. & Corr.* (1990), 62 Ohio Misc. 2d 19.

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IN THE COURT OF CLAIMS OF OHIO

TROY DUNN	:	
Plaintiff	:	
v.	:	CASE NO. 2004-02750-AD
SOUTHEASTERN CORRECTIONAL INST.	:	<u>ENTRY OF ADMINISTRATIVE DETERMINATION</u>
Defendant	:	
.....	:	

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 \$75.00, 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:

Troy Dunn, #150-008
5900 B.I.S. Road
Lancaster, Ohio 43130

Plaintiff, Pro se

Marc C. Houk, Warden
Southeastern Correctional
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For Defendant

RDK/laa

3/18

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