

[Cite as *Blanton v. North Central Correctional Inst.*, 2004-Ohio-2098.]

IN THE COURT OF CLAIMS OF OHIO

MICHAEL C. BLANTON II :

Plaintiff :

v. : CASE NO. 2003-12085-AD

NORTH CENTRAL CORRECTIONAL : MEMORANDUM DECISION  
INSTITUTION :

Defendant :  
:.....:

{¶1} THE COURT FINDS THAT:

{¶2} 1) On December 12, 2003, plaintiff, Michael C. Blanton II, filed a complaint against defendant, North Central Correctional Institution, alleging his watch was lost while under the control of defendant's personnel. Plaintiff seeks damages in the amount of \$30.00 for property loss, plus \$25.00 for filing fee reimbursement. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On February 25, 2004, defendant filed an investigation report admitting liability for the loss of plaintiff's watch.

{¶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 Natl. Guard* (1979), 78-0342-AD;

{¶6} 2) Plaintiff has suffered damages in the amount of \$30.00, plus the \$25.00 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

{¶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 \$55, 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:

Michael C. Blanton II, #A289-459 P.O. Box 1812 Marion, Ohio 43301-1812	Plaintiff, Pro se
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Gregory C. Trout, Chief Counsel Department of Rehabilitation and Correction 1050 Freeway Drive North Columbus, Ohio 43229	For Defendant
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RDK/laa  
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