

IN THE COURT OF CLAIMS OF OHIO

SAMUEL L. BUOSCIO	:	
Plaintiff	:	
v.	:	CASE NO. 2002-09749-AD
MANSFIELD CORRECTIONAL INSTITUTION	:	<u>MEMORANDUM DECISION</u>
Defendant	:	
.....	:	

{¶1} THE COURT FINDS THAT:

{¶2} 1) On November 1, 2002, plaintiff filed a complaint against defendant, Mansfield Correctional Institution. Plaintiff alleges on January 31, 2002, defendant negligently lost his commissary items. Plaintiff seeks damages in the amount of \$84.05;

{¶3} 2) On February 4, 2003, this court issued an order (Jr. Vol. 732, Pgs. 135-136) dismissing plaintiff's case pursuant to R.C. 2323.52(I);

{¶4} 3) On March 13, 2003, a judge of the Court of Claims issued an entry (Jr. Vol. 736, Pg. 13) confirming the decision of the clerk;

{¶5} 4) On August 20, 2003, this court issued an entry granting plaintiff's motion for relief from judgment and order pursuant to Civ. R. 60(B). Accordingly, plaintiff's case was reopened;

{¶6} 5) On November 13, 2003, this court issued an entry requiring plaintiff to submit the filing fee and ordering defendant to comply with plaintiff's request for discovery;

{¶7} 6) On November 25, 2003, plaintiff submitted the filing fee;

{¶8} 7) On January 15, 2004, defendant filed the investigation report admitting liability and damages in the amount of \$84.05;

{¶9} 8) On March 29, 2004, plaintiff filed a motion to allow a

[Cite as *Buoscio v. Mansfield Correctional Inst.*, 2004-Ohio-2108.]

judgment in this case.

{¶10} THE COURT CONCLUDES THAT:

{¶11} 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;

{¶12} 2) Plaintiff has suffered damages in the amount of \$84.05, 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.

{¶13} 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 \$109.05, which includes the filing fee. Plaintiff's motion to allow judgment is GRANTED. 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:

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Plaintiff, Pro se

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For Defendant

DRB/laa  
3/31  
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