

[Cite as *Dasco v. Ohio State Hwy. Patrol*, 2004-Ohio-2110.]

IN THE COURT OF CLAIMS OF OHIO

ANDREW A. DASCO, JR. :

Plaintiff :

v. : CASE NO. 2003-11232-AD

OHIO STATE HIGHWAY PATROL : MEMORANDUM DECISION

Defendant :

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{¶1} THE COURT FINDS THAT:

{¶2} 1) On November 6, 2003, plaintiff, Andrew A. Dasco, Jr., filed a complaint against defendant, Ohio State Highway Patrol, alleging defendant's employees damaged his automobile. Plaintiff seeks damages for property loss, plus filing fee reimbursement;

{¶3} 2) On February 25, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered property damages in the amount of \$338.23, plus \$25 for filing fees;

{¶4} 3) Plaintiff filed a response.

{¶5} THE COURT CONCLUDES THAT:

{¶6} 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;

{¶7} 2) Plaintiff has suffered damages in the amount of \$338.23, 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.

{¶8} 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 \$363.23, 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:

Andrew A. Dasco, Jr.
1252 Willoway SE
North Canton, Ohio 44720

Plaintiff, Pro se

Colonel Paul D. McClellan
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For Defendant

RDK/laa
3/23
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