

[Cite as *Gamble v. Lebanon Correctional Inst.*, 2004-Ohio-2624.]

IN THE COURT OF CLAIMS OF OHIO

JOHNNY E. GAMBLE	:	
Plaintiff	:	
v.	:	CASE NO. 2003-11526-AD
LEBANON CORRECTIONAL INST.	:	<u>MEMORANDUM DECISION</u>
Defendant	:	

: : : : : : : : : : :

{¶1} THE COURT FINDS THAT:

{¶2} 1) On November 19, 2003, plaintiff, Johnny E. Gamble, filed a complaint against defendant, Lebanon Correctional Institution, alleging his personal property was stolen as a proximate cause of negligence on the part of defendant's staff. Plaintiff seeks damages in the amount of \$257.38 for property loss. Plaintiff submitted the filing fee on February 17, 2004;

{¶3} 2) On January 26, 2004, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$257.38.

{¶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 \$257.38, 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 \$282.38, 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:

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Plaintiff, Pro se

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For Defendant

RDK/laa
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