

[Cite as *Ward v. Trumbull Correctional Inst.*, 2004-Ohio-4384.]

IN THE COURT OF CLAIMS OF OHIO

ALAN L. WARD	:	
Plaintiff	:	
v.	:	CASE NO. 2004-01621-AD
TRUMBULL CORRECTIONAL INSTITUTION, et al.	:	<u>MEMORANDUM DECISION</u>
Defendants	:	
	:	

THE COURT FINDS THAT:

{¶1} 1) On January 22, 2004, plaintiff, Alan L. Ward, filed a complaint against defendants, Trumbull Correctional Institution and Grafton Correctional Institution, alleging his television set was damaged while under the control of defendants' personnel. Plaintiff sought damages in the amount of \$207.00 for property loss. The filing fee was paid on January 22, 2004;

{¶2} 2) On May 26, 2004, defendants filed an investigation report admitting liability but asserting plaintiff suffered property damage in the amount of \$188.99;

{¶3} 3) Plaintiff filed a response expressing his agreement with defendants' damage assessment. This response was filed on June 16, 2004.

{¶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 \$188.99, 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 \$213.99, which includes the filing fee. Court costs are assessed against defendants. 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 Defendants

RDK/laa
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