

[Cite as *Williams v. London Corr. Inst.*, 2004-Ohio-5416.]

IN THE COURT OF CLAIMS OF OHIO

EARL E. WILLIAMS :

Plaintiff :

v. : CASE NO. 2004-05287-AD

LONDON CORRECTIONAL : MEMORANDUM
DECISION

INSTITUTION :
Defendant :

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THE COURT FINDS THAT:

{¶ 1} On April 29, 2004, plaintiff, Earl E. Williams, filed a complaint against defendant, London Correctional Institution, alleging his television set was damaged by defendant's personnel. Plaintiff seeks damages in the amount of \$208.00 for the loss of the television, plus \$25.00 for filing fee reimbursement. Plaintiff submitted the filing fee;

{¶ 2} On August 16, 2004, defendant filed an investigation report admitting liability, but asserting plaintiff's damages for property loss should be limited to \$150.00, the purchase price of a new television set at the institution commissary.

THE COURT CONCLUDES THAT:

{¶ 3} 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;

{¶ 4} Plaintiff has suffered damages in the amount of \$150.00, 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.

IN THE COURT OF CLAIMS OF OHIO

EARL E. WILLIAMS

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CASE NO. 2004-05287-AD

LONDON CORRECTIONAL

:

ENTRY

OF

INSTITUTION

ADMINISTRATIVE
DETERMINATION

:

Defendant

.....

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 \$175.00, 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:

Earl E. Williams, #362-609
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Plaintiff, Pro se

Gregory C. Trout, Chief Counsel
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For Defendant

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