

[Cite as *Swart v. Delaware State Park, Marine*, 2004-Ohio-7087.]

IN THE COURT OF CLAIMS OF OHIO

DAVID E. SWART :
Plaintiff :
v. : CASE NO. 2004-07751-AD
DELAWARE STATE PARK, MARINE : MEMORANDUM DECISION
Defendant :

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THE COURT FINDS THAT:

{¶1} 1) On July 30, 2004, plaintiff, David E. Swart, filed a complaint against defendant, Delaware State Park, alleging his watercraft was damaged as a proximate cause of negligence on the part of defendant. Plaintiff seeks damages in the amount of \$329.68 for repair expenses, plus \$25.00 for filing fee reimbursement. Plaintiff submitted the filing fee with his complaint.

{¶2} 2) On October 4, 2004, defendant filed an investigation report admitting liability for plaintiff's damages.

{¶3} THE COURT CONCLUDES THAT:

{¶4} 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;

{¶5} 2) Plaintiff has suffered damages in the amount of \$329.68, 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

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Plaintiff :
v. : CASE NO. 2004-07751-AD
DELAWARE STATE PARK, MARINE : ENTRY OF ADMINISTRATIVE
Defendant : DETERMINATION

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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 \$354.68, 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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