

[Cite as *Aguilar v. Ohio State Hwy. Patrol*, 2004-Ohio-7089.]

IN THE COURT OF CLAIMS OF OHIO

SANTIAGO AGUILAR :  
Plaintiff :  
v. : CASE NO. 2004-08081-AD  
OHIO STATE HIGHWAY PATROL : MEMORANDUM DECISION  
Defendant :

.....

{¶1} THE COURT FINDS THAT:

{¶2} 1) On August 10, 2004, plaintiff, Santiago Aguilar, filed a complaint against defendant, Ohio State Highway Patrol, alleging his vehicle was damaged by defendant's personnel. Plaintiff seeks damages in the amount of \$714.75 for vehicle repair. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On October 7, 2004, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$714.75, plus \$25.00 for filing fee reimbursement.

{¶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 \$714.75, 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

SANTIAGO AGUILAR	:	
Plaintiff	:	
v.	:	CASE NO. 2004-08081-AD
OHIO STATE HIGHWAY PATROL	:	<u>ENTRY OF ADMINISTRATIVE</u>
Defendant	:	<u>DETERMINATION</u>

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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 \$739.75, 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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For Defendant

RDK/laa

10/19

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