[Cite as *Delon v. Ohio Hwy. Patrol, Mt. Gillead Post #59*, 2004-Ohio-7320.]

IN THE COURT OF CLAIMS OF OHIO

RICHARD M. DELON	:	
Plaintiff	:	
v.	:	CASE NO. 2004-09142-AD
OHIO HIGHWAY PATROL, MT. GILEAD POST #59	:	MEMORANDUM DECISION
	:	
Defendant		

: : : : : : : : : : : : : : : : :

THE COURT FINDS THAT:

{¶ 1} 1) On September 23, 2004, plaintiff, Richard M. DeLon, filed a complaint against defendant, Ohio Highway Patrol, alleging defendant's employee damaged plaintiff's car. Plaintiff seeks damages in the amount of $332.38 for automotive repair costs. Plaintiff submitted the filing fee with his complaint;

{¶ 2} 2) On November 9, 2004, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of $332.38, plus filing fee reimbursement;

{¶ 3} 3) On November 19, 2004, plaintiff filed a response expressing his agreement with defendant's proposal.

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 as suffered damages in the amount of $332.38, 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.

IN THE COURT OF CLAIMS OF OHIO

RICHARD M. DELON	:	
Plaintiff	:	
v.	:	CASE NO. 2004-09142-AD
OHIO HIGHWAY PATROL, MT. GILEAD POST #59	:	ENTRY OF 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 $357.38, 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:

Richard M. DeLon
5864 Overhill Lane
Dayton, Ohio 45429-6044

Plaintiff, Pro se

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For Defendant

RDK/laa
12/13
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