

[Cite as *Dutli v. Ohio State Hwy. Patrol*, 2005-Ohio-645.]

IN THE COURT OF CLAIMS OF OHIO

JAMES D. DUTLI :
Plaintiff :
v. : CASE NO. 2004-09835-AD
OHIO STATE HIGHWAY PATROL : MEMORANDUM DECISION
Defendant :

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THE COURT FINDS THAT:

{¶ 1} 1) On October 28, 2004, plaintiff, James D. Dutli, filed a complaint against defendant, Ohio State Highway Patrol, alleging defendant's employee damaged plaintiff's car. Plaintiff seeks damages in the amount of \$272.16 for automotive repair costs. Plaintiff submitted the filing fee with his complaint;

{¶ 2} 2) On December 10, 2004, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$272.16, plus filing fee reimbursement.

THE COURT CONCLUDES THAT:

{¶ 3} 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;

{¶ 4} 2) Plaintiff has suffered damages in the amount of \$272.16, 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

JAMES D. DUTLI	:	
Plaintiff	:	
v.	:	CASE NO. 2004-09835-AD
OHIO STATE HIGHWAY PATROL	:	<u>ENTRY OF ADMINISTRATIVE</u>
Defendant	:	<u>DETERMINATION</u>

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

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 \$297.16, 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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Westlake, Ohio 44145	

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