

[Cite as *Alexander v. Ohio State Hwy. Patrol*, 2005-Ohio-7102.]

IN THE COURT OF CLAIMS OF OHIO

HAROLD L. ALEXANDER	:	
Plaintiff	:	
v.	:	CASE NO. 2005-09600-AD
OHIO STATE HIGHWAY PATROL	:	<u>MEMORANDUM DECISION</u>
Defendant	:	

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FINDINGS OF FACT

{¶ 1} 1) On August 19, 2005, an employee of defendant, Ohio State Highway Patrol, discharged a firearm which caused damage to the vehicle of plaintiff, Harold Alexander.

{¶ 2} 2) Plaintiff filed this complaint seeking to recover \$300.00, the estimated cost of vehicle repair. Plaintiff implied his property damage resulted from negligence on the part of defendant's employee. The filing fee was paid.

{¶ 3} 3) Defendant admitted liability for plaintiff's property damage in the amount of \$300.00, plus \$25.00 for filing fee reimbursement.

CONCLUSIONS OF LAW

{¶ 4} 1) Defendant was charged with a duty to exercise reasonable care for the protection of plaintiff's property in the performance of official acts. *Vastine v. State Highway Patrol*, 2002-10305-AD, 2003-Ohio-1681. In regard to the facts of this claim negligence on the part of 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 \$300.00, 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

HAROLD L. ALEXANDER	:	
Plaintiff	:	
v.	:	CASE NO. 2005-09600-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 \$325.00, 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:

Harold L. Alexander
1551 St. Rt. 73
Rarden, Ohio 45671

Plaintiff, Pro se

Colonel Paul D. McClellan
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For Defendant

RDK/laa
11/29
Filed 12/7/05
Sent to S.C. reporter 1/9/06