

[Cite as *Tomesek v. State Hwy. Patrol*, 2005-Ohio-844.]

IN THE COURT OF CLAIMS OF OHIO

MICHIEL A. TOMESSEK	:	
Plaintiff	:	
v.	:	CASE NO. 2004-10591-AD
OHIO STATE HIGHWAY PATROL	:	<u>MEMORANDUM DECISION</u>
Defendant	:	

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THE COURT FINDS THAT:

{¶ 1} 1) On December 2, 2004, plaintiff, Michiel A. Tomesek, filed a complaint against defendant, Ohio State Highway Patrol, alleging his automobile was damaged by a canine under the control of defendant's personnel. Plaintiff seeks damages in the amount of \$496.93 for automotive repair. Plaintiff submitted the filing fee on December 16, 2004;

{¶ 2} 2) On January 21, 2005, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$496.93, plus the filing fee;

{¶ 3} 3) On January 31, 2005, plaintiff filed a response expressing his agreement with defendant's position.

THE COURT CONCLUDES THAT:

{¶ 4} 1) Negligence on the part of defendant has been established. *Spradlin v. Ohio State Highway Patrol* (2003), 2002-08971-AD;

{¶ 5} 2) Plaintiff has suffered damages in the amount of \$496.93, 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

MICHIEL A. TOMESEK	:	
Plaintiff	:	
v.	:	CASE NO. 2004-10591-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 \$521.93, 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:

Michiel A. Tomesek  
2838 121st Street  
Toledo, Ohio 43611

Plaintiff, Pro se

Colonel Paul D. McClellan  
Ohio State Highway Patrol  
P.O. Box 182074  
Columbus, Ohio 43218-2074

For Defendant

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