

Court of Claims of Ohio

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614.387.9800 or 1.800.824.8263
www.cco.state.oh.us

TIMOTHY A. BRADY

Plaintiff

v.

MANSFIELD CORRECTIONAL INSTITUTE, et al.

Defendants

Case No. 2010-10971-AD

Deputy Clerk Daniel R. Borchert

MEMORANDUM DECISION

FINDINGS OF FACT

{¶ 1} 1) Plaintiff, Timothy A. Brady, filed a complaint against defendant, Mansfield Correctional Institution. Plaintiff asserts on March 29, 2010, at approximately 7:00 a.m., his vehicle was damaged when an agent of the defendant negligently drove a state vehicle into his vehicle causing damage. The plaintiff seeks damages in the amount of \$2,300.00, the cost to repair his vehicle. Plaintiff submitted the \$25.00 filing fee with his complaint.

{¶ 2} 2) On January 25, 2011, the defendant filed a motion to add the Office of Risk Management as an additional party defendant.

{¶ 3} 3) On January 5, 2011, the defendant submitted an investigation report admitting liability and damages in the amount of \$2,331.05. The defendant attached a full and final release form to its investigation report. The release states in consideration for \$2,331.05 the claim will be settled against the defendant. The plaintiff signed and

dated the form. The defendant stated in pertinent part:

{¶ 4} “Since the evidence indicates that the Plaintiff suffered the damage to his car and the Defendant’s agents were negligent in causing that damage, it is the position of the Defendant that judgment is made in favor of the Plaintiff in the amount of \$2,331.05. This Court should order the Office of Risk Management to pay \$2,331.05 to the Plaintiff and the Ohio Dept. of Rehabilitation and Correction to pay \$25 to the Plaintiff for the filing fee.”

CONCLUSIONS OF LAW

{¶ 5} 1) Defendant’s motion is GRANTED and the Office of Risk Management is added as a defendant.

{¶ 6} 2) Negligence by defendant has been proven by a preponderance of the evidence. *Baisden v. Southern Ohio Correctional Facility* (1977), 76-0617-AD; *Stewart v. Ohio National Guard* (1979), 78-0342-AD.

{¶ 7} 3) Plaintiff has suffered damages in the amount of \$2,331.05, 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, 587 N.E. 2d 990.

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ENTRY OF ADMINISTRATIVE
DETERMINATION

Defendant's motion is GRANTED and the Office of Risk Management is added as a defendant. All dockets, indices, and the claim file shall reflect that the Office of Risk Management is added as a party 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 \$2,331.05, to be paid by the Office of Risk Management and \$25.00 to be paid by Mansfield Correctional Institution. Court costs are assessed against defendants. 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:

Timothy A. Brady
2912 Possum Run Road
Mansfield, Ohio 44903

Gregory C. Trout, Chief Counsel
Department of Rehabilitation
and Correction
770 West Broad Street
Columbus, Ohio 43222

DRB/laa
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