

[Cite as *Parkey v. Youngstown Dev. Ctr.*, 2016-Ohio-1342.]

JACKI PARKEY

Plaintiff

v.

YOUNGSTOWN DEVELOPMENTAL
CENTER

Defendant

Case No. 2015-00833-AD

Clerk Mark H. Reed

MEMORANDUM DECISION

{¶1} On September 25, 2015, Jacki Parkey (hereinafter “plaintiff”) filed a complaint against the Youngstown Development Center in this Court, alleging that on July 14, 2015 a client of the Youngstown Development Center (hereinafter “YDC”) assaulted her in the Eastwood Mall parking lot located in Niles, Trumbull County, Ohio. Plaintiff claims as a result of her injuries from this attack, she had to be transported to St. Joseph’s Hospital by ambulance. Plaintiff claims the following damages from this injury:

a) Broken Eyeglasses	\$ 240.19
b) St. Joseph hospital bill	\$2,774.00
c) Trumbull Radiologists	\$ 313.22
d) Trans Ambulance	\$ 800.00
e) 4M Emergency Systems	\$ 432.00
f) Chiropractic Treatment	<u>\$2,053.00</u>
	\$6,612.41

{¶2} In an investigation report filed with the Court on December 23, 2015, the Youngstown Developmental Center through the Ohio Department of Developmental Disabilities, while not admitting any act of negligence, agreed to assume the responsibility of reimbursing plaintiff only for the replacement of her glasses.

{¶3} Defendant YDC denies that there was any contact between its client and the plaintiff other than when their client grabbed plaintiff's glasses. Additionally, YDC points out that the report from the Niles Police Department states "no medical required."

{¶4} Regardless of the facts stated in the police report, however, plaintiff did in fact seek out medical treatment for her injury. The Court believes that the emergency medical treatment she obtained was reasonably related to the injuries received and YDC should thus be held responsible for those damages as detailed in plaintiff's complaint and supporting documents. However, the same cannot be said for the chiropractic care received by plaintiff, which does not appear to be reasonably related to the injuries she received.

{¶5} Ohio law requires recoveries against the state to be reduced by any available insurance. According to the evidence submitted, plaintiff's damages after insurance are the following:

a) <u>Provider</u>	<u>Charge</u>	<u>Insurance</u>	<u>Plaintiff</u>
b) 4M Emergency Systems, Inc.	\$432.00	\$411.93	\$20.07
c) St. Joseph Health Center	\$2,774.00	\$2,713.81	\$60.19
d) Trumbull Radiologists, Inc.	\$313.22	\$300.00	\$13.22
e) TRANS Paramedics	\$800.00	\$716.12	\$83.88
f) Lenscrafter	<u>\$240.19</u>	<u>\$0.00</u>	<u>\$240.19</u>
	\$4,559.41	\$4,141.86	\$417.55

{¶6} Plaintiff's recovery is therefore limited to \$417.55 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*, 62 Ohio Misc.2d 19, 587 N.E.2d 990 (Ct. of Cl. 1990).

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ENTRY OF ADMINISTRATIVE
DETERMINATION

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 \$442.55, which includes the filing fee. Court costs are assessed against defendant.

MARK H. REED
Clerk

Entry cc:

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