

day, plaintiff was issued a new lay-in pass for an additional three months with a no-lifting specification, during which he wore his cast for approximately one month. On April 20, 1999, plaintiff returned to the infirmary with complaints of continuing pain and swelling.

{¶4} Plaintiff did not return to work at LCI at any time prior to his release in May 1999. From the date of his release to the time of the damages trial in November 2001, plaintiff received no further treatment for his thumb. Plaintiff testified that he was employed for a period of time at Festival Foods doing stock work but that he left work because he was taking ten to fifteen Tylenol per work shift due to pain. He also worked for Universal Veneer for a period of time until he suffered a work-related shoulder injury. Later, he attempted to return to work on light duty; however, he was laid off in June 2001. Plaintiff is currently receiving workers' compensation benefits as a result of his shoulder injury.

{¶5} Plaintiff testified that the constant pain and swelling in his thumb diminished over time; nevertheless, he stated that he continues to experience pain when he stretches the thumb, when pressure is applied to it, or when he attempts to accomplish tasks that require the use of both hands. Plaintiff also testified that he has a diminished ability to grip objects with his left hand. There were no imposed medical restrictions on either recreational or work-related activities concerning the use of his left thumb at the time of the damages trial. As defendant noted, plaintiff is right-handed. The parties agreed that any award in this case should be limited to pain and suffering caused by the aggravation of plaintiff's initial left thumb injury.

[Cite as *Brown v. Ohio Dept. of Rehab. & Corr.*, 2002-Ohio-1694.]

{¶6} Based upon the totality of the evidence, and evaluation of plaintiff's credibility, the court finds that plaintiff's total damages in this case amount to \$4,800, which include but are not limited to past and future pain and suffering.

{¶7} Accordingly, judgment is rendered in favor of plaintiff in the amount of \$4,825, which includes the \$25 filing fee.

FRED J. SHOEMAKER
Judge

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