

complaint seeking to recover \$198.00, the total replacement cost of a new television set. Plaintiff has contended her set was destroyed as a proximate cause of negligence on the part of ORW staff in maintaining the electrical supply to the institution. Plaintiff submitted the filing fee with the complaint.

{¶4} 4) Defendant explained the power surge which occurred on June 8, 2002, was caused by lightning striking an electrical power substation located behind institution grounds. Defendant denied plaintiff's property damage was caused by any negligent act or omission by ORW personnel in connection with utilizing the electrical supply to the institution.

CONCLUSIONS OF LAW

{¶5} 1) Plaintiff has the burden of proving her property damage was caused by a power surge and the electrical malfunction was attributable to negligent acts or omissions on the part of defendant. *Pryor v. Southern Ohio Correctional Facility* (1997), 97-03026-AD.

{¶6} 2) In order to recover against a defendant in a tort action, plaintiff must produce evidence which furnishes a reasonable basis for sustaining her claim. If her evidence furnishes a basis for only a guess, among different possibilities, as to any essential issue in the case, she fails to sustain the burden as to such issue. *Landon v. Lee Motors, Inc.* (1954), 161 Ohio St. 82.

{¶7} 3) Although not strictly responsible for a prisoner's property, defendant had at least the duty of using the same degree of care as it would use with its own property. *Henderson v. Southern Ohio Correctional Facility* (1979), 76-0356-AD.

{¶8} 4) Plaintiff has failed to prove a causal connection between the damage to her television set and any breach of a duty owed by defendant in regard to protecting inmate property. *Druckenmiller v. Mansfield Correctional Institution* (1998), 97-11819-AD.

{¶9} 5) Plaintiff must produce evidence which affords a reasonable basis for the conclusion defendant's conduct is more likely than not a substantial factor in bringing about the harm. *Parks v. Department of Rehabilitation and Correction* (1985), 85-01546-AD.

{¶10} 6) Plaintiff has failed to prove, by a preponderance of the evidence, her property was damaged as a proximate result of any negligence on the part of defendant. *Fitzgerald v. Department of Rehabilitation and Correction* (1998), 97-10146-AD.

{¶11} Having considered all the evidence in the claim file and adopting the memorandum decision concurrently herewith;

{¶12} IT IS ORDERED THAT:

{¶13} 1) Plaintiff's claim is DENIED and judgment is rendered in favor of defendant;

{¶14} 2) Court costs are assessed against plaintiff.

DANIEL R. BORCHERT
Deputy Clerk