

[Cite as *Ross v. Ohio Dept. of Rehab. & Corr.*, 2005-Ohio-3969.]

IN THE COURT OF CLAIMS OF OHIO

MARCUS B. ROSS :
Plaintiff :
v. : CASE NO. 2005-03130-AD
DEPARTMENT OF REHABILITATION : MEMORANDUM DECISION
AND CORRECTIONS :
Defendant :
: : : : : : : : : : : : : : : :

THE COURT FINDS THAT:

{¶ 1} 1) On February 24, 2005, plaintiff, Marcus B. Ross, filed a complaint against defendant, Department of Rehabilitation and Correction, alleging his truck was damaged while parked at defendant's Montgomery Education and Pre-Release Center. Plaintiff seeks damages in the amount of \$1,746.52, for vehicle repair costs, plus \$25.00 for filing fee reimbursement. Plaintiff submitted the filing fee with his complaint;

{¶ 2} 2) On May 25, 2005, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$1,746.52 for repair costs, plus \$25.00 for filing fee reimbursement.

THE COURT CONCLUDES THAT:

{¶ 3} 1) I find, by a preponderance of the evidence, negligence by defendant has been shown. *Baisden v. Southern Ohio Correctional Facility* (1977), 76-0617-AD; *Stewart v. Ohio National Guard* (1979), 78-0342-AD;

{¶ 4} 2) Plaintiff has suffered damages in the amount of \$1,746.52, 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

MARCUS B. ROSS :
Plaintiff :
v. : CASE NO. 2005-03130-AD
DEPARTMENT OF REHABILITATION : ENTRY OF ADMINISTRATIVE
AND CORRECTIONS : DETERMINATION
Defendant :

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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 \$1,771.52, 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:

Marcus B. Ross
1901 S. Gettysburg Avenue
Dayton, Ohio 45418

Plaintiff, Pro se

Gregory C. Trout, Chief Counsel
Department of Rehabilitation
and Correction
1050 Freeway Drive North

For Defendant

Columbus, Ohio 43223

RDK/laa

6/26

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