## IN THE COURT OF CLAIMS OF OHIO

JOSEPH B. DIXON, SR., et al. :

Plaintiffs : CASE NO. 2002-01381

Judge Fred J. Shoemaker

V. :

JUDGMENT ENTRY

MIAMI UNIVERSITY :

Defendant:

- {¶ 1} On August 30-31, 2004, this case was tried to the court to determine the nature and extent of damages caused by defendant's negligence. Defendant's liability had been established by the court in a prior proceeding.
- $\{\P\ 2\}$  On August 30, 2000, prior to the commencement of the damages trial, the parties agreed to the following stipulation:
- {¶ 3} "Plaintiffs, Joseph and Pam Dixon, are seeking compensation for non-vocational damages only, specifically, pain and suffering both past and future, loss of consortium, and hedonic damages stemming from the injury to Joseph's right arm. Plaintiffs are not seeking damages for past lost wages or medical bills, or any future lost wages or medical bills or for any damages arising out of his vocational disability.
- {¶ 4} "In the event that plaintiff, Joseph Dixon, recovers any damages on his Tennessee Workers' Compensation claim which arose out of the injury sustained at Miami University, Oxford, Ohio, which duplicates damages awarded in the Court of Claims herein, the state of Ohio would be entitled to reimbursement in the amount of those duplicative damages." (Joint Exhibit A.)
- {¶ 5} Upon consideration of the testimony and evidence, the court finds that Joseph Dixon sustained severe injury to his right arm that required three separate surgeries and extensive physical therapy. The court further finds that he has suffered a minor but permanent decrease in the range of

motion for his right elbow. Based upon the totality of the evidence, damages shall be awarded in favor of plaintiffs as follows:

- Plaintiff, Joseph Dixon, is awarded damages in the amount of \$30,000 for his permanent disability and \$125,000 for non-economic damages, which include, but are not limited to, past and future pain and suffering;
- 2) Plaintiff, Pam Dixon, is awarded \$25,000 for her loss of spousal consortium.

{¶ 6} Accordingly, judgment is rendered in favor of plaintiffs in the amount of \$180,025, which includes the \$25 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.

FRED J. SHOEMAKER Judge

Entry cc:

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AMR/cmd Filed September 13, 2004 To S.C. reporter October 12, 2004