

[Cite as *Gill v. Grafton Correctional Inst.*, 2004-Ohio-3179.]

IN THE COURT OF CLAIMS OF OHIO

ALI GILL :

Plaintiff : CASE NO. 2002-05972  
Magistrate Steven A. Larson

v. :

MAGISTRATE DECISION

GRAFTON CORRECTIONAL :  
INSTITUTION :

Defendant

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{¶1} On May 15, 2003, defendant admitted liability. On June 16, 2003, the case came on for trial on the issue of damages.

{¶2} On November 19, 2001, at approximately 1:00 a.m., plaintiff, an inmate at Grafton Correctional Institution (GCI), fell four to five feet from his top bunk onto the concrete floor below. He landed flat on his back, which caused him to strike his head on the floor, knocking him unconscious. He was transported by an emergency squad to the Elyria Memorial Hospital where he was still unresponsive upon his arrival at 1:30 a.m.

{¶3} Plaintiff testified that when he regained consciousness his head and spine hurt and he was spitting up blood. He estimated that he was unconscious for six hours; however, emergency room records show that plaintiff was fully oriented with his eyes open by 3:00 a.m. Plaintiff’s medical records do not mention that he was ever spitting up blood.

{¶4} After receiving X-rays of his cervical and thoracic spine and a CT scan of his brain, plaintiff was diagnosed as having strained muscles and ligaments in his neck and back. The CT scan showed no evidence of bleeding inside the brain. The doctor prescribed a muscle relaxant, an anti-inflammatory medicine with a pain

reliever, and a soft cervical collar to wear as needed for comfort. Plaintiff was discharged from the emergency room at 5:53 a.m. to the GCI infirmary. Later that same morning, plaintiff was evaluated by a GCI doctor who released him into general population with instructions to take his medications and wear the soft collar for five days.

{¶5} Plaintiff claimed that as a result of the fall from his bunk he suffered nerve damage which resulted in a loss of vision in his right eye, migraine headaches, numbness in his legs, and pain in his hand and back. He further alleged that the fall fractured his left hand and caused him to bleed internally.

{¶6} Plaintiff called Allison A. Robinson, M.D., as his witness on cross-examination. Dr. Robinson testified that he was licensed to practice medicine in Ohio in 1985 after graduating from Case Western Reserve Medical School and completing an internship in internal medicine at the Cleveland Clinic. He began working for ODRC treating inmates, including plaintiff, one year prior to testifying at trial. Although he was not working at GCI when plaintiff fell from his bunk, he reviewed all of plaintiff's medical records, including the emergency room records from Elyria Memorial Hospital, in preparation for his testimony at trial.

{¶7} Dr. Robinson explained that plaintiff had several chronic medical problems that predated his fall, including multiple areas of osteoarthritis and degenerative arthritis that "far exceeds his age," and that he also had a history of lower back pain, vision problems, and headaches. In Dr. Robinson's opinion, none of plaintiff's existing medical problems were caused by the fall from his bunk. Additionally, Dr. Robinson found no evidence in plaintiff's medical records that he had any internal bleeding or that his fall re-injured a previously fractured hand.

{¶8} Dr. Robinson testified that as a result of the fall plaintiff suffered a cervical strain with a mild back contusion and muscle spasm. Specifically, according to Dr. Robinson, plaintiff pulled and bruised a muscle in his mid back and

injured the muscles around his neck. His muscles were in spasm due to the trauma. Dr. Robinson testified that the injuries caused by the fall had a duration of less than one month.

{¶9} Proximate cause is established where the negligent act “in a natural and continuous sequence produces a result which would not have taken place without the act.” *Strother v. Hutchinson* (1981), 67 Ohio St.2d 282, 287.

{¶10} Based upon the evidence presented at the trial on the issue of damages, the court finds that plaintiff has failed to prove by a preponderance of the evidence that he suffered loss of vision, migraine headaches, numbness in his legs, internal bleeding, or a fractured hand from the fall from his bunk. The court further finds that plaintiff has proven by a preponderance of the evidence that the fall: caused him to lose consciousness for two hours; caused pulled and bruised muscles in the middle of his back; caused pulled muscles in his neck; and caused muscle spasms. The court notes that plaintiff’s injuries resulting from his fall healed within one month.

{¶11} Therefore, judgment is recommended for plaintiff in the amount of \$1,250, which includes the \$25 filing fee paid by plaintiff.

{¶12} *A party may file written objections to the magistrate’s decision within 14 days of the filing of the decision. A party shall not assign as error on appeal the court’s adoption of any finding or conclusion of law contained in the magistrate’s decision unless the party timely and specifically objects to that finding or conclusion as required by Civ.R. 53(E)(3).*

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STEVEN A. LARSON  
Magistrate

Entry cc:

Case No. 2002-05972

-4-

MAGISTRATE DECISION

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Filed June 14, 2004  
To S.C. reporter June 21, 2004