

[Cite as *Pierce v. Marion Correctional Inst.*, 2003-Ohio-4289.]

IN THE COURT OF CLAIMS OF OHIO

STEVEN PIERCE	:	
Plaintiff	:	
v.	:	CASE NO. 2003-03141-AD
MARION CORRECTIONAL INSTITUTION	:	<u>MEMORANDUM DECISION</u>
Defendant	:	
	:	
	:	

THE COURT FINDS THAT:

"1) On March 7, 2003, plaintiff, Steven Pierce, filed a complaint against defendant, Marion Correctional Institution, alleging defendant's employee destroyed his personal property. Plaintiff seeks damages in the amount of \$84.64 for property loss, plus \$25.00 for filing fee reimbursement. Plaintiff submitted the filing fee with his complaint;

"2) On June 25, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$109.64.

THE COURT CONCLUDES THAT:

"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;

"2) Plaintiff has suffered damages in the amount of \$84.64, 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.

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 \$109.64, 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:

Steven Pierce, #152-736  
P.O. Box 57  
Marion, Ohio 43301

Plaintiff, Pro se

Gregory C. Trout, Chief Counsel  
Department of Rehabilitation  
and Correction  
1050 Freeway Drive North  
Columbus, Ohio 43229

For Defendant

RDK/laa  
7/17  
Filed 7/24/03  
Sent to S.C. reporter 8/14/03