

[Cite as *Josso v. Lorain Correctional Inst.*, 2003-Ohio-4927.]

IN THE COURT OF CLAIMS OF OHIO

TIMOTHY JOSSO	:	
Plaintiff	:	
v.	:	CASE NO. 2003-07979-AD
LORAIN CORRECTIONAL INSTITUTION	:	<u>MEMORANDUM DECISION</u>
Defendant	:	
	:	

{¶1} THE COURT FINDS THAT:

{¶2} 1) On July 18, 2003, plaintiff, Timothy Josso, filed a complaint against defendant, Lorain Correctional Institution, alleging he was improperly deprived his radio by defendant's personnel. Plaintiff seeks damages in the amount of \$34.91. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On July 18, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$34.91.

{¶4} THE COURT CONCLUDES THAT:

{¶5} 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;

{¶6} 2) Plaintiff has suffered damages in the amount of \$34.91, 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.

{¶7} 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 \$59.91, which includes the filing fee. Court costs shall be absorbed by the court. 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:

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Grafton, Ohio 44044

Plaintiff, Pro se

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For Defendant

RDK/laa  
8/18  
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