

[Cite as *Barker v. State Highway Patrol*, 2003-Ohio-6032.]

IN THE COURT OF CLAIMS OF OHIO

DARRELL R. BARKER :
Plaintiff :
v. : CASE NO. 2003-09190-AD
STATE HIGHWAY PATROL : MEMORANDUM DECISION
Defendant :

.....

{¶1} THE COURT FINDS THAT:

{¶2} 1) On August 26, 2003, plaintiff, Darrell R. Barker, filed a complaint against defendant, Ohio State Highway Patrol, alleging defendant's personnel damaged his automobile tire. Plaintiff seeks damages in the amount of \$61.37 for property damage. Plaintiff submitted the filing fee on September 10, 2003;

{¶3} 2) On September 26, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$61.37 for property damage, plus \$25.00 for filing fees.

{¶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 suffered damages in the amount of \$61.37, 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 \$86.37, 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:

Darrell R. Barker Plaintiff, Pro se
1080 Oakland Park
Columbus, Ohio 43224

Colonel Paul D. McClellan
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For Defendant

RDK/laa
10/7
Filed 10/17/03
Sent to S.C. reporter 11/10/03