

[Cite as *Grooms v. Indian Lake State Park*, 2003-Ohio-7139.]

IN THE COURT OF CLAIMS OF OHIO

JOHN R. GROOMS, et al. :

Plaintiffs :

v. :

CASE NO. 2003-09939-AD

INDIAN LAKE STATE PARK :

MEMORANDUM DECISION

Defendant :

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{¶1} THE COURT FINDS THAT:

{¶2} 1) On September 23, 2003, plaintiff, John R. Grooms, filed a complaint against defendant, Indian Lake State Park, alleging his rental property was damaged by a tree owned by defendant. Plaintiff seeks damages in the amount of \$296.81. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On November 24, 2003, defendant filed an investigation report admitting liability.

{¶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) Plaintiffs have suffered damages in the amount of \$296.81, plus the \$25.00 filing fee, which may be reimbursed 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 plaintiffs in the amount of \$321.81, 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:

John R. Grooms
Lou A. Grooms
5000 Powell Road
Huber Heights, Ohio 45424

Plaintiffs, Pro se

Charles G. Rowan
Deputy Chief Counsel
Department of
Natural Resources
1930 Belcher Drive
Building D-3
Columbus, Ohio 43224-1387

For Defendant

DRB/RDK/laa
12/2
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