

[Cite as *Davis v. Madison Correctional Inst.*, 2004-Ohio-2094.]

IN THE COURT OF CLAIMS OF OHIO

HARRY DAVIS :
Plaintiff :
v. : CASE NO. 2003-12034-AD
MADISON CORRECTIONAL : MEMORANDUM DECISION
INSTITUTION :
Defendant :
:.....

FINDINGS OF FACT

{¶1} 1) On December 11, 2003, plaintiff filed a complaint against defendant, Madison Correctional Institution. Plaintiff asserts he originally filed a claim for the replacement of his contact lenses on March 21, 2003. This case was assigned claim no. 2003-03892-AD. Plaintiff asserts he was granted judgment in his favor in the amount of \$93 which represented \$68 for his contact lenses and \$25 for the reimbursement of the filing fee. Plaintiff contends the amount granted under 2003-03892-AD was insufficient to purchase replacement contact lenses. Accordingly, plaintiff seeks an additional \$62 so he may purchase the contact lenses.

{¶2} 2) A review of this court's memorandum decision in 2003-03892-AD reveals the applicant submitted an expense in the amount of \$130.00 characterized as "my cost." However, the court found plaintiff failed to produce any evidence of damages other than the replacement cost of his contact lenses, \$68. Plaintiff did not appeal this court's June 11, 2003 decision in

2003-03892-AD.

{¶3} 3) On December 11, 2003, defendant filed an investigation report asserting that plaintiff should be awarded the additional \$62 plus reimbursement of the \$25 filing fee he submitted with the complaint.

CONCLUSIONS OF LAW

{¶4} 1) A valid, final judgment rendered upon the merits bars all subsequent actions based upon any claim arising out of the transaction or occurrence that was the subject matter of the previous action. 1 Restatement of Law 2d, Judgments (1982), Sections 24-25.

{¶5} 2) "An existing final judgment or decree between the parties to litigation is conclusive as to all claims which were or might have been litigated in the first lawsuit." *Natl. Amusements, Inc. v. Springdale* (1990), 53 Ohio St. 3d 60, 62.

{¶6} 3) Plaintiff presented a claim for \$130.00 in claim no. 2003-03892-AD but failed to prove this claim, by a preponderance of the evidence.

{¶7} 4) Plaintiff failed to appeal the memorandum decision in 2003-03892-AD and, accordingly, that decision became final.

{¶8} 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 defendant.

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:

Harry Davis, #428-727
1851 St. Rt. 56
P.O. Box 740
London, Ohio 43140

Plaintiff, Pro se

Alan J. Lazaroff, Warden
Madison Correctional Institution
1851 State Route 56
P.O. Box 740
London, Ohio 43140

For Defendant

DRB/laa
3/23
Filed 4/2/04
Sent to S.C. reporter 4/26/04