

[Cite as *Johnson v. S. Ohio Correctional Facility*, 2004-Ohio-6872.]

IN THE COURT OF CLAIMS OF OHIO

FREDERICK JOHNSON	:	
	:	
Plaintiff	:	
	:	
v.	:	CASE NO. 2004-04671-AD
	:	
SOUTHERN OHIO CORRECTIONAL FACILITY	:	<u>MEMORANDUM DECISION</u>
	:	
Defendant	:	
	:	
.....	:	

THE COURT FINDS THAT:

{¶ 1} On April 15, 2004, plaintiff, Frederick E. Johnson, filed a complaint against defendant, Southern Ohio Correctional Facility, alleging his personal property was lost while under the control of defendant’s employees. Plaintiff seeks damages in the amount of \$500.85 for property loss, plus \$25.00 for filing fee reimbursement. Plaintiff submitted the filing fee on April 27, 2004;

{¶ 2} On October 18, 2004, plaintiff filed a notice of appeal from this court’s decision of October 8, 2004, denying plaintiff’s motion for summary judgment;

{¶ 3} On October 20, 2004, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages;

{¶ 4} On October 27, 2004, plaintiff filed a response to defendant’s investigation report.

{¶ 5} THE COURT CONCLUDES THAT:

{¶ 6} 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;

{¶ 7} Plaintiff has suffered damages in the amount of \$500.85, 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.

IN THE COURT OF CLAIMS OF OHIO

FREDERICK JOHNSON	:	
Plaintiff	:	
v.	:	CASE NO. 2004-04671-AD
SOUTHERN OHIO CORRECTIONAL FACILITY	:	<u>ENTRY OF ADMINISTRATIVE DETERMINATION</u>
Defendant	:	
: : : : : : : : : : : : :		

Plaintiff's notice of appeal is MOOT. 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 \$525.85, 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:

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RDK/laa

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