

[Cite as *Lively v. Lorain Corr. Inst.*, 2004-Ohio-6146.]

IN THE COURT OF CLAIMS OF OHIO

ROBERT E. LIVELY :  
Plaintiff :  
v. : CASE NO. 2004-05473-AD  
LORAIN CORR. INSTITUTION : MEMORANDUM DECISION  
Defendant :  
: :  
: :  
: :

THE COURT FINDS THAT:

{¶ 1} “1) On March 4, 2004, plaintiff, Robert E. Lively, filed a complaint against defendant, Lorain Correctional Institution. Plaintiff asserts he damaged his vehicle as the result of running over a piece of debris in defendant’s parking lot. He seeks damages in the amount of \$766.02, which represents automotive repair. Plaintiff submitted the filing fee with the complaint;

{¶ 2} “2) On September 20, 2004, plaintiff filed a letter requesting the court reduce the prayer amount of his claim to \$250.00 which represents his insurance deductible;

{¶ 3} “3) On October 1, 2004, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$275.00, which includes reimbursement of the filing fee.

THE COURT CONCLUDES THAT:

{¶ 4} “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;

{¶ 5} “2) Plaintiff has suffered damages in the amount of \$250.00, 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

ROBERT E. LIVELY :  
Plaintiff :  
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LORAIN CORR. INSTITUTION : ENTRY OF ADMINISTRATIVE  
Defendant : DETERMINATION

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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 \$275.00, 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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DRB/laa  
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