



name could be found. Defendant maintained plaintiff had an order to use an Albuterol inhaler as needed to treat his asthma.

{¶ 3} Defendant confirmed plaintiff suffered an asthma attack on May 3, 2005, while working at the MCI dairy barn as a field gang worker. Defendant also confirmed plaintiff passed out, fell, and apparently suffered some injury to his head and arm. Immediately after suffering the asthma attack plaintiff was transported to the MCI infirmary where he remained through May 8, 2005 receiving treatment. Plaintiff's injuries were noted as redness on the back of his head and swelling around his right elbow and arm. Treatment for these injuries consisted of rest and the administration of analgesics. Plaintiff's physical injuries were minor.

{¶ 4} Defendant denied any liability in this matter. Defendant contended plaintiff failed to prove his injury was proximately caused by any negligent act or omission on the part of MCI staff. Defendant asserted plaintiff failed to produce any evidence proving he did not receive proper care after sustaining his injuries.

{¶ 5} In order to prevail, plaintiff must prove by a preponderance of the evidence that defendant owed him a duty, that defendant breached that duty, and that defendant's breach proximately caused his injuries. *Armstrong v. Best Buy Company, Inc.*, 99 Ohio St. 3d 79, 91, 2003-Ohio-2573, citing *Menifee v. Ohio Welding Products, Inc.* (1984), 15 Ohio St. 3d 75, 77. Ohio law imposes a duty of reasonable care upon the state to provide for its prisoners' health, care, and well-being. *Clemets v. Heston* (1985), 20 Ohio App. 3d 132, 136. Reasonable or ordinary care is that degree of caution and foresight which an ordinarily prudent person would employ in similar circumstances. *Smith v. United Properties, Inc.* (1965), 2 Ohio St. 2d 310. The state is not an insurer of inmate safety. See *Williams v. Ohio Dept. of Rehab. & Corr.* (1991), 61 Ohio Misc. 2d 699.



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