

[Cite as *Mitchell v. Ohio State Hwy. Patrol*, 2006-Ohio-7143.]

IN THE COURT OF CLAIMS OF OHIO

|                           |   |                            |
|---------------------------|---|----------------------------|
| KATHY MITCHELL            | : |                            |
| Plaintiff                 | : |                            |
| v.                        | : | CASE NO. 2005-11256-AD     |
| OHIO STATE HIGHWAY PATROL | : | <u>MEMORANDUM DECISION</u> |
| Defendant                 | : |                            |

: : : : : : : : : : : : : : : :

THE COURT FINDS THAT:

{¶ 1} "1) On November 28, 2005, plaintiff, Kathy Mitchell, filed a complaint against defendant, Ohio State Highway Patrol ("OSHP"), alleging she incurred automobile property damage as a proximate cause of negligent acts on the part of OSHP personnel. Plaintiff seeks damages in the amount of \$111.65 for property damage;

{¶ 2} "2) On December 16, 2005, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered the damages claimed;

{¶ 3} "3) On February 23, 2006, plaintiff paid the filing fee.

THE COURT CONCLUDES THAT:

{¶ 4} "1) Negligence on the part of defendant has been shown. *Johnson v. State Highway Patrol* (2002), 2001-12347-AD, *Moro v. Ohio State Highway Patrol*, 2002-04429-AD, 2002-Ohio-4635; *Vastine v. State Highway Patrol*, 2002-10305-AD, 2003-Ohio-1681;

{¶ 5} "2) Plaintiff suffered damages in the amount of \$111.65, plus the \$25.00 filing fee. *Bailey v. Ohio Department of Rehabilitation and Correction* (1990), 62 Ohio Misc. 2d 19.

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|---------------------------|---|--------------------------------|
| KATHY MITCHELL            | : |                                |
| Plaintiff                 | : |                                |
| v.                        | : | CASE NO. 2005-11256-AD         |
| OHIO STATE HIGHWAY PATROL | : | <u>ENTRY OF ADMINISTRATIVE</u> |
| Defendant                 | : | <u>DETERMINATION</u>           |

: : : : : : : : : : : : : : : :

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 \$136.65, 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:

Kathy Mitchell  
1418 Willett Street SE  
Canton, Ohio 44707

Plaintiff, Pro se

Colonel Paul D. McClellan  
Ohio State Highway Patrol  
P.O. Box 182074  
Columbus, Ohio 43218-2074

For Defendant

RDK/laa

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