

not the sidewalk.

{¶ 4} "I noticed the damage to the sidewalk and called them about it. They rudely told me that I would have to sue the state for compensation.

{¶ 5} "I filed with the Court of Claims, no where in the instructions does it say to file more than one estimates.

{¶ 6} "On April 19, 2006, ODOT worker Vicki at phone #1-888-644-0308 called me and stated that ODOT would only pay \$600.00 for repairs. This was an unreasonably low offering. I told her that I would send other estimates. She told me that she would get back with me but never phoned again. I will accept the \$900.00 offering but not the \$600.00 offering that she gave me over the phone."

CONCLUSIONS OF LAW

{¶ 7} 1) Plaintiff has proven, by a preponderance of the evidence, negligence on the part of defendant. *Baisden v. Southern Ohio Correctional Facility* (1977), 76-0617-AD.

{¶ 8} 2) As trier of fact, this court has the power to award reasonable damages based on evidence presented. *Sims v. Southern Ohio Correctional Facility* (1988), 61 Ohio Misc. 2d 239.

{¶ 9} 3) The court finds defendant liable to plaintiff in the amount of \$900.00, 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

1980 West Broad Street
Columbus, Ohio 43223

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