

IN THE COURT OF CLAIMS OF OHIO

ROBERT P. DREW	:	
66 E. Streetsboro Street	:	
Hudson, Ohio 44236	:	Case No. 2002-07711-AD
Plaintiff	:	MEMORANDUM DECISION
v.	:	
STATE HIGHWAY PATROL	:	
Defendant	:	

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

For Defendant: Colonel Kenneth L. Morckel, Superintendent
Ohio State Highway Patrol
P.O. Box 182074
Columbus, Ohio 43218-2078
: : : : : : : : : : : : : : :

{¶1} THE COURT FINDS THAT:

{¶2} 1) On August 19, 2002, plaintiff, Robert P. Drew, filed a complaint against defendant, Ohio State Highway Patrol, alleging his automobile tires were destroyed by the acts of defendant's personnel. Plaintiff seeks damages in the amount of \$472.55 for replacement tires, towing charges, and filing fees. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On September 5, 2002, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$472.55.

{¶4} THE COURT CONCLUDES THAT:

{¶5} 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;

{¶6} 2) Plaintiff has suffered damages in the amount of \$447.55, 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.

{¶7} Having considered all the evidence in the claim file and adopting the memorandum decision concurrently herewith;

{¶8} IT IS ORDERED THAT:

{¶9} 1) Plaintiff's claim is GRANTED and judgment is rendered in favor of the plaintiff;

{¶10} 2) Defendant (Ohio State Highway Patrol) pay plaintiff (Robert P. Drew) \$472.55 and such interest as is allowed by law;

{¶11} 3) Court costs are assessed against defendant.

DANIEL R. BORCHERT
Deputy Clerk

RDK/laa
10/1
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