

[Cite as *Mohican Valley Towing v. Ohio State Highway Patrol*, 2003-Ohio-2437.]

IN THE COURT OF CLAIMS OF OHIO

MOHICAN VALLEY TOWING :
Plaintiff :
v. : CASE NO. 2002-10445-AD
OHIO STATE HIGHWAY PATROL : MEMORANDUM DECISION
Defendant :

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{¶1} THE COURT FINDS THAT:

{¶2} 1) On November 29, 2002, plaintiff, Mohican Valley Towing, filed a complaint against defendant, Ohio State Highway Patrol alleging defendant was responsible for towing and impound fees assessed. Plaintiff seeks damages in the amount of \$1,460.94. Plaintiff submitted the filing fee with the complaint;

{¶3} 2) On January 30, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$1,460.94.

{¶4} THE COURT CONCLUDES THAT:

{¶5} 1) I find, by a preponderance of the evidence, liability by defendant has been shown. *Baisden v. Southern Ohio Correctional Facility* (1979), 76-0617-AD; *Stewart v. Ohio National Guard* (1979), 78-0342-AD;

{¶6} 2) Plaintiff has suffered damages in the amount of \$1,460.94, 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 (Mohican Valley Towing) \$1,485.94 and such interest as is allowed by law;

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

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

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For Defendant

RDK/tad
4/11
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