

[Cite as *Koleno v. Nelson Ledges State Park*, 2003-Ohio-4292.]

IN THE COURT OF CLAIMS OF OHIO

THOMAS P. KOLENO, JR. :
Plaintiff :
v. : CASE NO. 2003-04350-AD
NELSON LEDGES STATE PARK : MEMORANDUM DECISION
Defendant :

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

{¶1} THE COURT FINDS THAT:

{¶2} 1) On April 2, 2003, plaintiff, Thomas A. Koleno, Jr., filed a complaint against defendant, Nelson-Kennedy Ledges State Park, alleging his mobile home was damaged by a tree under the control of defendant. Plaintiff seeks damages in the amount of \$2,345.00. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On July 8, 2003, defendant filed an investigation report admitting liability for plaintiff's property damage;

{¶4} 3) On July 18, 2003, plaintiff filed a response to defendant's investigation report expressing his agreement with the report.

{¶5} THE COURT CONCLUDES THAT:

{¶6} 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;

{¶7} 2) Plaintiff has suffered damages in the amount of \$2,345.00, 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.

{¶8} 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 \$2,370.00. 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:

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RDK/laa
7/15
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