

[Cite as *Kidder v. Ohio State Hwy. Patrol*, 2007-Ohio-5834.]

Court of Claims of Ohio

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614.387.9800 or 1.800.824.8263
www.cco.state.oh.us

BRENT KIDDER, et al.

Plaintiffs

v.

OHIO STATE HIGHWAY PATROL

Defendant

Case No. 2007-04575-AD

Deputy Clerk Daniel R. Borchert

MEMORANDUM DECISION

{¶1} THE COURT FINDS THAT:

{¶2} 1) On April 23, 2007, plaintiffs, Brent and Jacqueline Kidder, filed a complaint against defendant, Ohio State Highway Patrol, alleging their automobile tires were damaged by negligent acts attributable to defendant's employees. Plaintiff's seek damages in the amount of \$245.87. Plaintiff's submitted the filing fee with the complaint;

{¶3} 2) On May 11, 2007, plaintiff's filed an amended complaint. Plaintiff's seek to increase their prayer amount by \$132.00 to cover their insurance deductible and a tire disposal fee not covered by their insurance. Plaintiffs have submitted documentary evidence to substantiate their claim;

{¶4} 3) On June 4, 2007, defendant filed an investigation report admitting liability and acknowledging plaintiffs suffered the damage attributable to defendant's negligent act.

{¶5} THE COURT CONCLUDES THAT:

{¶6} 1) Civ. R. 15(A) in pertinent part states:

{¶7} "A party may amend his pleading once as a matter of course at any time before a responsive pleading is served . . .;"

{¶8} 2) Plaintiffs' amended complaint is considered a motion to amend the prayer amount;

{¶9} 3) Negligence on the part of defendant has been established. *Moro v. Ohio State Hwy. Patrol*, 2002-04429-AD, 2002-Ohio-4635;

{¶10} 4) Plaintiffs have suffered damages in the amount of \$377.87, which includes reimbursement of the \$25.00 filing fee. *Bailey v. Ohio Department of Rehabilitation and Correction* (1990), 62 Ohio Misc. 2d 19, 587 N.E. 2d 990.

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ENTRY OF ADMINISTRATIVE
DETERMINATION

Defendant

Plaintiffs' motion to amend the prayer amount is GRANTED. All indices, dockets and the claim file shall reflect that the prayer amount has been increased to \$377.87.

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 plaintiffs in the amount of \$377.87, which includes the filing fee. Court costs are assessed against defendant.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

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