

[Cite as *McKenzie v. Ohio State Highway Patrol*, 2003-Ohio-2442.]

IN THE COURT OF CLAIMS OF OHIO

LOWELL R. MCKENZIE :  
Plaintiff :  
v. : CASE NO. 2003-01890-AD  
OHIO HIGHWAY PATROL : MEMORANDUM DECISION  
Defendant :

.....

{¶1} THE COURT FINDS THAT:

{¶2} 1) On January 27, 2003, plaintiff, Lowell R. McKenzie, filed a complaint against defendant, Ohio State Highway Patrol, alleging his automobile was damaged by the negligent acts of defendant's personnel. Plaintiff seeks damages in the amount of \$172.95 for property damage and related expenses, plus \$25.00 for filing fee reimbursement. Plaintiff submitted the filing fee with the complaint;

{¶3} 2) On February 26, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$197.95;

{¶4} 3) A response was filed.

{¶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 \$172.95, 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 adopting the memorandum decision concurrently herewith;

{¶9} IT IS ORDERED THAT:

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

{¶11} 2) Defendant (Ohio State Highway Patrol) pay plaintiff (Lowell R. McKenzie) \$197.95 and such interest as is allowed by law;

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

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DANIEL R. BORCHERT  
Deputy Clerk

Order cc:

Lowell R. McKenzie  
3869 Windy Heights  
Okemos, Michigan 48864-3590

Plaintiff, Pro se

Colonel Paul D. McClellan  
Ohio State Highway Patrol  
P.O. Box 182074  
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For Defendant

RDK/laa  
4/15  
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