

[Cite as *Whitmore v. Ohio State Hwy. Patrol*, 2005-Ohio-644.]

IN THE COURT OF CLAIMS OF OHIO

CANDY L. WHITMORE :
Plaintiff :
v. : CASE NO. 2004-09801-AD
THE OHIO STATE HIGHWAY PATROL : MEMORANDUM DECISION
Defendant :

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THE COURT FINDS THAT:

{¶ 1} 1) On October 27, 2004, plaintiff, Candy L. Whitmore, filed a complaint against defendant, Ohio State Highway Patrol, alleging her automobile was damaged by a canine under the control of defendant's personnel. Plaintiff seeks damages in the amount of \$396.00 for automotive repair. Plaintiff submitted the filing fee on November 1, 2004;

{¶ 2} 2) On January 3, 2005, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$396.00, plus the filing fee.

THE COURT CONCLUDES THAT:

{¶ 3} 1) Negligence on the part of defendant has been established. *Spradlin v. Ohio State Highway Patrol* (2003), 2002-08971-AD;

{¶ 4} 2) Plaintiff has suffered damages in the amount of \$396.00, 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.

IN THE COURT OF CLAIMS OF OHIO

CANDY L. WHITMORE	:	
Plaintiff	:	
v.	:	CASE NO. 2004-09801-AD
THE OHIO STATE HIGHWAY PATROL	:	<u>ENTRY OF ADMINISTRATIVE</u>
Defendant	:	<u>DETERMINATION</u>

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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 \$421.00, which includes the filing fee. 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:

Candy L. Whitmore
5920 Walnut Circle #B-7
Toledo, Ohio 43615

Plaintiff, Pro se

Colonel Paul D. McClellan
Ohio State Highway Patrol
P.O. Box 182074
Columbus, Ohio 43218-2074

For Defendant

Sent to S.C. reporter 2/16/05