

[Cite as *Fortson v. Lorain Correctional Institution*, 2005-Ohio-614.]

IN THE COURT OF CLAIMS OF OHIO

ANDREW W. FORTSON :  
Plaintiff :  
v. : CASE NO. 2004-08197-AD  
LORAIN CORRECTIONAL : ENTRY OF DISMISSAL  
Defendant :

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{¶ 1} On August 16, 2004, plaintiff filed a complaint against defendant, Lorain Correctional Institution, alleging defendant's negligence caused the loss of his eyeglasses. Plaintiff is seeking damages in the amount of \$198.00. Plaintiff submitted the filing fee with the complaint.

{¶ 2} On December 13, 2004, defendant filed a motion for extension of time to submit the investigation report. Defendant asserted it was trying to reach a settlement with plaintiff in this matter. On December 17, 2004, plaintiff filed a notice. Plaintiff indicated he had entered into a tentative agreement to settle this case, but the warden at defendant institution had not signed the settlement agreement.

{¶ 3} On December 22, 2004, defendant filed a motion to dismiss. Defendant provided a document entitled Release of Claim which was signed by both the plaintiff and the warden of defendant institution. The document indicated for the sum of \$160.00 plaintiff was willing to settle his claim with defendant and "hold harmless from any liability and forever discharge the . . ." defendant for the loss of his eyeglasses.

{¶4} Defendant's motion to dismiss is GRANTED. Plaintiff's case is DISMISSED. The court shall absorb the court costs of this case. The clerk shall serve upon all parties notice of this entry of dismissal and its date of entry upon the journal.

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DANIEL R. BORCHERT  
Deputy Clerk

Entry cc:

Andrew W. Fortson, #388-815  
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Plaintiff, Pro se

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For Defendant

DRB/laa  
1/12  
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