

ORIGINAL COURT OF CLAIMS OF OHIO
FRANKLIN COUNTY

2014-00416
CASE NO: _____

JAMES DIMORA
Inmate No. 56275060
FCI Victorville Medium II
Federal Correctional Institute II
P.O. Box 3850
Adelanto, CA 92301

Plaintiff,

v.

OHIO DEPARTMENT OF
REHABILITATION AND
CORRECTIONS
770 West Broad Street
Columbus, OH 43222

Defendant.

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COURT OF CLAIMS
OF OHIO

COMPLAINT FOR NEGLIGENCE, PREMISES LIABILITY, AND EMOTIONAL
DISTRESS

Plaintiff, James Dimora, through counsel, for his Complaint states as follows:

I. PARTIES AND JURISDICTION

1. Plaintiff James Dimora ("Plaintiff") is, and was at all relevant times, a resident of the
State of Ohio.

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2. At all times relevant herein, Plaintiff has been an inmate at Northeast Ohio Corrections Center's ("NEOCC") correctional facility in Mahoning County, Youngstown Ohio.
3. At all times relevant herein, NEOCC was a privately owned prison operated in accordance with a contractual agreement with Defendant Ohio Department of Rehabilitation and Corrections ("Defendant ODRC").
4. All events related to Plaintiff's claim in this Complaint occurred in the State of Ohio.

II. BACKGROUND OF THE DISPUTE

5. Plaintiff incorporates the allegations of paragraphs 1-4 as if fully rewritten and set forth herein.
6. On or about May 4, 2012, Plaintiff was an involuntary resident of NEOCC.
7. On or about May 4, 2012, Plaintiff slipped and fell on a pool of water on the floor of Unit 3A.
8. The pool of water Plaintiff slipped on was caused by a leaking roof that NEOCC negligently failed to adequately repair.
9. As a result of Defendant's negligence, Plaintiff sustained injuries that required him to obtain medical care and treatment.
10. Plaintiff's damages are continuing and permanent in nature.

III. CAUSES OF ACTION

COUNT I Negligence

11. Plaintiff incorporates all paragraphs 1-10 as if fully rewritten and set forth herein.

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12. Defendant had a duty to Plaintiff and all other inmates to provide a safe and sanitary facility.
13. Defendant had breached its duty by failing to properly repair and maintain the facility's roof.
14. As a result of Defendant's failure to adequately repair the leaking roof, Plaintiff was injured, received medical care and treatment, and incurred costs for said medical care and treatment.
15. Therefore, Defendant is liable for the injuries Plaintiff sustained as a result of Defendant's negligence.

COUNT II
Premises Liability

16. Plaintiff incorporates all paragraphs 1-17 as if fully rewritten and set forth herein.
17. While at the prison, Plaintiff was an invitee and/or licensee of Defendant.
18. As a result, Defendant had a duty to adequately maintain and repair any and all property owned by Defendants and under Defendants' control.
19. Defendant also had a duty to adequately warn any invitees and/or licensees of any potential dangers, problems, and/or defects of the premises.
20. Defendant also had a duty to fully and completely inspect the prison on a regular basis so as to ensure no defects, hazards, or other dangers existed on the property.
21. By failing to fix the roof so that it did not leak, Defendant failed to adequately maintain and repair the prison. This failure resulted in a breach of Defendant's duty to Plaintiff.

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22. By failing to warn Plaintiff of either the defect in the roof and/or the puddle on the floor, Defendant failed to warn invitees and/or licensees, including Plaintiff, of potential dangers, problems, and/or defects of the prison.
23. By failing to fully and completely inspect the prison on a regular basis, Defendant permitted the roof to continue leaking, creating a continuous hazard on the property.
24. As a result of Defendant's failure to adequately maintain the prison and/or warn the Plaintiff, Plaintiff was injured and sustained compensable damages.
25. Therefore, Defendant is liable for the injuries Plaintiff sustained as a result of Defendant's failure to adequately maintain the prison and/or warn the Plaintiff.

COUNT III
Intentional / Negligent Infliction of Emotional Distress

26. Plaintiff incorporates all paragraphs 1-27 as if fully rewritten and set forth herein.
27. Defendant knew, and should have known, that anyone injured on their property would also incur significant emotional distress.
28. Defendant was intentional and/or reckless in failing to repair the roof and maintain their property.
29. As a direct and proximate result of Defendants' failure to adequately maintain their property and permit the roof to continue leaking, Plaintiff not only sustained physical and financial injuries, but severe emotional distress as well.
30. Therefore, Defendant is liable for the injuries Plaintiff sustained as a result of Defendant's failure to provide a safe and sanitary facility for Plaintiff.

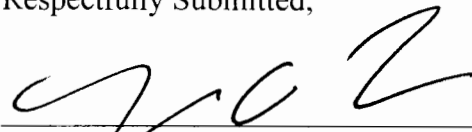
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WHEREFORE, Plaintiff respectfully requests the following relief:

1. Judgment against all Defendants in the above captioned matter;
2. Compensatory damages, including both economic and non-economic, in an amount in excess of \$25,000;
3. Punitive damages in an amount in excess of \$25,000;
4. Court costs, attorney fees, and any pre-judgment and/or post-judgment interest; and
5. Any and all additional relief the Court deems just and proper.

Respectfully Submitted,



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