

IN THE COURT OF CLAIMS OF OHIO

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PAUL JOHNSON,

ORIGINAL

Plaintiff, :

v. :

Case No. 2012-08907

**OHIO DEPARTMENT OF
REHABILITATION AND CORRECTION**

Magistrate Anderson M. Renick

Defendant. :

PRETRIAL STATEMENT OF PLAINTIFF PAUL JOHNSON

I. STATEMENT OF THE FACTS:

At all times mentioned herein Plaintiff Paul Johnson was an inmate incarcerated in the Allen Correctional Institution, subject to the control and custody of the Defendant, Ohio Department of Rehabilitation and Correction. On or about August 14, 2012, Plaintiff was assigned as a kitchen worker in the Allen Correctional Institution, as a utility worker.

Plaintiff says on or about August 14, 2012, he was ordered to slice cheese which was a duty he was not trained to do or trained to know how to properly use the safety guard on the slicer, which was not attached, all of which Defendants knew and ignored. A supervisor stood and watched him use the equipment, did not tell him to stop and get the safety shield and as Plaintiff worked without training, warning of the need for a safety shield, or warning of the danger, his fingers were caught in the blade, cutting the tips off of two of his fingers.

Defendants were negligent in ordering Plaintiff to utilize the slicer in an inappropriate and unsafe manner, in allowing Plaintiff to operate the slicer without the safety guard or in any manner warning of the danger he was in without the safety guard and in requiring him to engage in work he was not trained to perform and allowing him to operate the machine without a safety shield or guard.

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As a direct and proximate result of Defendants' negligence, the tips of Plaintiff's fingers were severed, which has permanently impaired his ability to use his hand. Plaintiff was taken to St. Rita's Medical Center and later to OSU Medical Center where he was treated.

As a direct and proximate cause of Defendants' negligence described herein, Plaintiff's severely injured hand impairs his ability to perform work, he has and still suffers from pain and emotional distress because of the injury.

The injury received, as a direct and proximate result of Defendants' negligence, is permanent and progressive that will require additional care and treatment, limit his ability to work and earn income upon his release from the institution, and cause him to endure constant pain, discomfort, mental anguish, as well as costs of medical, hospital and psychiatric care.

Plaintiff requested discovery from the Defendant on February 11, 2013, and still has not received the same, even though it has been requested several times. After receiving no response from the Attorney General's Office, Plaintiff attempted to obtain documents regarding this incident, as well as medical records, from Allen Correctional Institution and received no response from the institution.

Depositions in this case have not been taken, even though several requests of the Defendant have been made to do so, both in writing and by telephone. This case is set for Trial on February 18, 2014, at 10:00 a.m.

II. ISSUES:

- 1) Whether the Defendant was negligent in ordering Plaintiff to perform this task who had no training;
- 2) Whether the Defendant was negligent in failing to supervise Plaintiff while he performed the task;

3) Whether the Defendant was negligent in failing to warn Plaintiff of the danger he was in without the safety guard;

4) Whether the Defendant was negligent in ordering Plaintiff to utilize the slicer in an inappropriate and unsafe manner, without a safety shield or guard;

5) Whether the Defendant was negligent in allowing Plaintiff to operate the slicer without the safety guard;

6) The severity and permanency of injuries suffered by Plaintiff due to the incident.

III. EXHIBITS:

A) Plaintiff Paul Johnson's prison records and medical records;

B) Photographs of Paul Johnson's injuries or the cheese slicer, if any;

C) Statements and grievances by witnesses;

D) Report of the Ohio State Highway Patrol, if any; and

E) All block logs, policies, regulations, block and post orders, institution records, correspondence, incident reports, and any and all memoranda concerning the incident in question, kites sent by Plaintiff to the institution and all policy and procedure manuals.

IV. POTENTIAL WITNESSES:

A) Plaintiff, Paul Johnson;

B) Joseph Samber #220-838, Allen Correctional Institution;

C) G. Evans, Food Service Manager;

D) C.O. G. Thompson;

E) Ms. Fetters, former Food Service Coordinator;

F) Other witnesses may be revealed after review of discovery;

G) All witnesses called by the Defendant as upon cross-examination

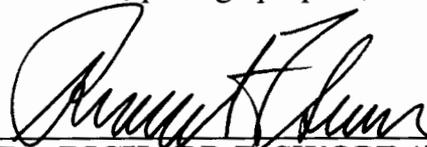
Plaintiff reserves the right to supplement the information provided in this Pretrial Statement.



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Pretrial Statement was served upon James P. Dinsmore, Assistant Attorney General, Court of Claims Defense, 150 East Gay Street, 18th Floor, Columbus, Ohio 43215, by regular U.S. mail, postage prepaid, on the 8th day of January, 2014.



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