

ORIGINAL

COURT OF CLAIMS
OF OHIO

IN THE COURT OF CLAIMS OF OHIO

2014 MAY -8 PM 3: 09

PAUL JOHNSON,

: Case No. 2012-08907

Plaintiff,

: Magistrate Anderson M. Renick

v.

OHIO DEPARTMENT OF
REHABILITATION AND CORRECTION,

Defendant.

DEFENDANT’S PRETRIAL STATEMENT

I. Statement of Facts:

This case is currently set for trial on June 19, 2014. On August 14, 2012, Plaintiff, Paul Johnson, while an inmate at Allen Correctional Institution (“ACI”) cut his fingers while operating a kitchen slicer in the prison kitchen. Another inmate, Inmate Sambers, was assigned to cut cheese on the slicer. Despite these instructions, plaintiff began using the kitchen slicer without using a guard to prevent injury. He was seen doing so by Greg Evans, the food service manager for ACI. He was immediately instructed to use the guard, but failed to do so and injured himself as a result. The danger of the slicer’s blade was **“obvious”** to Mr. Johnson. Despite this knowledge, plaintiff used the slicer without the guard and injured himself.

Plaintiff’s claim fails for two reasons. One, it was his negligence that caused the accident to occur. Plaintiff failed to utilize the safety guard after he was told to do so in the past. Secondly, plaintiff knew not to use any equipment for which he was not trained. He used the slicer despite knowing he had not been trained on the equipment.

II. Legal Issues

1. General negligence and proximate cause issues.

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III. Witnesses:

1. Greg Evans, Food Service Manager, ACI
2. Joseph Samber, #220-838, as on cross-examination
3. Corr. Ofcr. G. Thompson
4. Theresa Feters, Food Service Coordinator
5. Others to be identified, including plaintiffs' witnesses
6. Records custodians, if needed

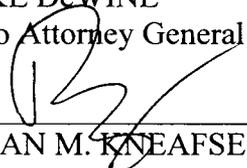
IV. Exhibits:

1. ACI Incident report
2. Diagrams of accident scene
3. Photographs of the accident scene
4. All medical records and films
5. All depositions and exhibits to depositions
6. All exhibits identified by Plaintiff
7. CVs of professional witnesses
8. Medical literature (to be determined)

Defendant reserves the right to amend this pretrial statement.

Respectfully submitted,

MIKE DeWINE
Ohio Attorney General



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Defendant's Pretrial Statement* was sent by regular U.S. Mail, postage prepaid, this 8th day of May, 2014 to:

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