

ORIGINAL

FILED
COURT OF CLAIMS
OF OHIO

IN THE COURT OF CLAIMS OF OHIO

2015 APR -1 PM 2: 19

CHRISTOPHER D. BELL (#240-363)
2001 E. Central Avenue
Toledo, Ohio 43608

Plaintiff,

vs.

Case No. **2015 - 00287**

**OHIO DEPARTMENT OF
REHABILITATION AND CORRECTION**
770 West Broad Street
Columbus, Ohio 43222

Defendant.

COMPLAINT

First Cause of Action

1.) At all times mentioned in this First Cause of Action, Plaintiff was an inmate incarcerated at the Richland Correctional Institution under the direct control of the Defendant, Ohio Department of Rehabilitation and Correction.

2.) On or about the 12th day of May, 2014, Plaintiff held a bottom bunk and bottom range restriction issued by the medical department, but was placed in a top bunk assignment over his protest to correctional officers in the segregation unit. Plaintiff advised staff, including a captain and a correctional officer, that he had a bottom bunk/bottom range restriction at that time, but he was not moved to another bunk and as a result, Plaintiff fell from the top bunk, injuring his head, neck, knee, and back.

3.) Plaintiff asserts on May 12, 2014, Plaintiff fell from the top bunk, injuring his back, neck, knee, and back, as a result of failing to honor the restriction after repeated notices of the restriction.

4.) Plaintiff, as a result of Defendant's negligence, received the injuries described herein which caused him severe pain, emotional distress, and anxiety, and required medical care now and in the future. Plaintiff alleges the injuries are permanent and progressive in

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nature and that such injuries aggravated existing medical conditions.

Second Cause of Action

5.) At all times mentioned in this Second Cause of Action, Plaintiff was transferred to and was incarcerated in the Toledo Correctional Institution, in Toledo, Ohio, under the direct control and supervision of the Defendant Ohio Department of Rehabilitation and Correction, and incorporates paragraphs 1 through 4 of the First Cause of Action as if fully recopied herein.

6.) On July 1, 2014, Plaintiff held a bottom bunk/bottom range restriction, in effect on that day and in spite of Plaintiff pointing this restriction out to Defendants, he was housed on the second range. The Defendants ignored his restriction and placed him on the second range and Plaintiff fell trying to climb down the steps, injuring his head, neck, back, knee, and body. As a direct and proximate result of such negligence, Plaintiff fell as he went down the stairs, seriously injuring his head, neck, back, knee, and body.

7.) Plaintiff asserts as a result of Defendant's negligence described herein, he suffered the injuries described herein and such injuries resulted in medical care, extreme pain and emotional distress and are permanent and progressive in nature, as well as aggravating previous injuries, all of which will require further care and treatment, pain and emotional distress.

Third Cause of Action

8.) At all times mentioned in this, Plaintiff's Third Cause of Action, and on September 10, 2014, Plaintiff was incarcerated in the Toledo Correctional Institution, in Toledo, Ohio, under the direct control and supervision of the Defendant Ohio Department of Rehabilitation and Correction, and incorporates paragraphs 1 through 4 of the First Cause of Action and paragraphs 5 through 7 of the Second Cause of Action as if fully recopied herein.

9.) On September 10, 2014, while incarcerated in the Toledo Correctional Institution, Plaintiff held a valid bottom bunk restriction and a bottom range restriction and when he was placed in cell H D 4 North 4, which is a top range cell assignment, even though he notified Defendants of his restriction, including the Medical Unit who assured him it would be taken care of. In spite of this assurance, Plaintiff was not moved to a bottom range nor was he provided with his life saving medications, including two inhalers, Albuterol and Qvar. Defendants brought Plaintiff out of his top range cell assignment without assistance, and his knee and back gave out while trying to climb down the stairs. Plaintiff says he fell all the way down the stairs, injuring his head, neck, arms, back, and legs, causing severe bleeding, possible concussion, severe pain, and emotional distress, all of which required medical care.

10.) Plaintiff asserts as a result of Defendant's negligence described herein, such injuries resulted in medical care, extreme pain and emotional distress, and are permanent and progressive in nature, as well as aggravating previous injuries, all of which will require further care and treatment, pain and emotional distress.

Fourth Cause of Action

11.) At all times mentioned in this, Plaintiff's Fourth Cause of Action, and on September 23, 2014, Plaintiff was incarcerated in the Toledo Correctional Institution, in Toledo, Ohio, under the direct control and supervision of the Defendant Ohio Department of Rehabilitation and Correction, and incorporates paragraphs 1 through 4 of the First Cause of Action, paragraphs 5 through 7 of the Second Cause of Action, and paragraphs 8 through 10 of the Third Cause of Action, as if fully recopied herein.

12.) On September 23, 2014, while incarcerated in the Toledo Correctional Institution, Plaintiff held a valid bottom range restriction and when he was placed back in H D 4 North 4, on September 10, 2014, even after the September 10, 2014 hospitalization, and

even though he notified Defendant of his restriction, including the Medical Unit and the Institutional Inspector, who assured Plaintiff it would be taken care of. In spite of their assurance, Plaintiff was not moved to a bottom range and as a result, while trying to climb down the stairs, his knee gave way and he fell down the stairs, seriously injuring his head, causing severe bleeding, possible concussion, and severe pain and emotional distress, all of which required medical care.

13.) Plaintiff, as a result of Defendant's negligence, received the injuries described herein which caused him severe pain, emotional distress, and anxiety, and required medical care now and in the future. Plaintiff alleges the injuries are permanent and progressive in nature and that such injuries aggravated existing medical conditions.

Fifth Cause of Action

14.) At all times mentioned in this, Plaintiff's Fifth Cause of Action, and on September 24, 2014, Plaintiff was incarcerated in the Toledo Correctional Institution, in Toledo, Ohio, under the direct control and supervision of the Defendant Ohio Department of Rehabilitation and Correction, and incorporates paragraphs 1 through 4 of the First Cause of Action, paragraphs 5 through 7 of the Second Cause of Action, paragraphs 8 through 10 of the Third Cause of Action, and paragraphs 11 through 13 of the Fourth Cause of Action, as if fully recopied herein.

15.) On September 24, 2014, while incarcerated in the Toledo Correctional Institution, Plaintiff held a valid bottom bunk restriction and when he was placed in A3/North Cell 21, he was assigned to a top bunk, even though he notified the Defendants of his restriction, including the Medical Unit who assured him it would be taken care of. In spite of this assurance, Plaintiff was not moved to a bottom bunk, and while trying to maneuver to and from the top bunk, his knee gave way and he fell, seriously injuring his head, causing severe bleeding, possible concussion, and severe pain and emotional distress,

all of which required medical care.

15.) Plaintiff alleges he will continue to require medical treatment, suffering pain, anxiety and emotional distress, such injuries having aggravated previous injuries, all of which are permanent and progressive in nature.

WHEREFORE, Plaintiff Christopher Bell demands judgment against Defendant Ohio Department of Rehabilitation and Correction, for the First Cause of Action, a sum in excess of \$25,000.00, an amount he will provide, pursuant to Rule 8, upon demand.

WHEREFORE, Plaintiff Christopher Bell demands judgment against Defendant Ohio Department of Rehabilitation and Correction, for the Second Cause of Action, a sum in excess of \$25,000.00, an amount he will provide, pursuant to Rule 8, upon demand.

WHEREFORE, Plaintiff Christopher Bell demands judgment against Defendant Ohio Department of Rehabilitation and Correction, for the Third Cause of Action, a sum in excess of \$25,000.00, an amount he will provide, pursuant to Rule 8, upon demand.

WHEREFORE, Plaintiff Christopher Bell demands judgment against Defendant Ohio Department of Rehabilitation and Correction, for the Fourth Cause of Action, a sum in excess of \$25,000.00, an amount he will provide, pursuant to Rule 8, upon demand.

WHEREFORE, Plaintiff Christopher Bell demands judgment against Defendant Ohio Department of Rehabilitation and Correction, for the Fifth Cause of Action, a sum in excess of \$25,000.00, an amount he will provide, pursuant to Rule 8, upon demand.



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March 31, 2015

Court of Claims of Ohio
Attn: Clerk of Courts
65 South Front Street, Third Floor
Columbus, Ohio 43215

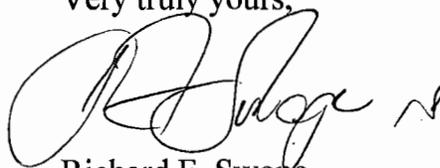
Re: *Christopher D. Bell v. Ohio Department of Rehabilitation and Correction*

Dear Sir or Madam:

Please find enclosed an original and two copies of a Complaint we wish to file with the Court.

We would appreciate your filing the same and returning a file-stamped copy in the enclosed self-addressed envelope. You will also find enclosed a check in the amount of \$25.00 for the costs in this regard. Thank very much you for your cooperation. *BM*

Very truly yours,


Richard F. Swope

RFS/sr
Enclosures
cc: client