

**ORIGINAL**

**IN THE COURT OF CLAIMS OF OHIO**

FILED  
COURT OF CLAIMS  
OF OHIO

2015 OCT -5 AM 11:00

**PAUL JOHNSON,** :

Plaintiff, :

v. :

Case No. 2012-08907

**OHIO DEPARTMENT OF  
REHABILITATION AND CORRECTION**

Defendant. :

**Magistrate Anderson M. Renick**

**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.

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.

The Court ruled in Plaintiff's favor as to negligence and this case will now proceed to a trial on the issues of damages, with a 40% reduction for comparative negligence, on November 9, 2015, in the Court of Claims of Ohio.

**II. ISSUES:**

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

**III. EXHIBITS:**

- A) Plaintiff Paul Johnson's medical records;
- B) OSU Wexner Hospital records;
- C) St. Rita's Medical Center records;
- D) Records and report of Tolga Gursel, MD; and
- E) Medical report of Dr. Behzod Rostam.

**IV. POTENTIAL WITNESSES:**

- A) Plaintiff, Paul Johnson;

- B) Tolga Gursel, M.D.;
- C) Recordskeeper of OSU Wexner Medical Center; and
- D) Recordskeeper of St. Rita's Medical Center.

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



By: **RICHARD F. SWOPE** (#0000605)  
Swope and Swope - Attorneys at Law  
6480 East Main Street, Suite 102  
Reynoldsburg, Ohio 43068  
Telephone: (614) 866-1492  
Telefax: (614) 864-5553  
Attorneys for Plaintiff Paul Johnson

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Pretrial Statement was served upon James P. Dinsmore and Brian Kneafsey, Assistant Attorneys General, Court of Claims Defense, 150 East Gay Street, 18th Floor, Columbus, Ohio 43215, by regular U.S. mail, postage prepaid, on the 1st day of October, 2015.



By: **RICHARD F. SWOPE** (#0000605)  
Swope and Swope - Attorneys at Law  
Attorneys for Plaintiff Paul Johnson

# Swope and Swope

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ATTORNEYS AT LAW

RICHARD F. SWOPE  
KRISTY SWOPE

6480 EAST MAIN STREET, SUITE 102  
REYNOLDSBURG, OHIO 43068  
TELEPHONE (614) 866-1492  
FAX (614) 864-5553

October 1, 2015

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

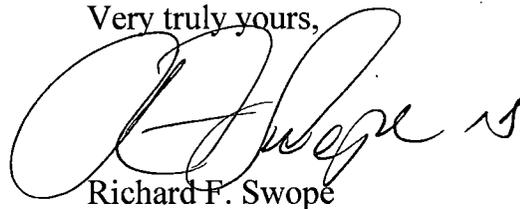
Re: *Paul Johnson v. Ohio Dept. of Rehab. & Corr.*  
Case No. 2012-08907

Dear Sir or Madam:

Please find enclosed an original and two copies of Pretrial Statement of Plaintiff Paul Johnson which we wish to file with the Court in the above-captioned case.

We would appreciate your filing the same and returning a file-stamped copy in the enclosed self-addressed envelope. Thank very much you for your cooperation. /AC

Very truly yours,



Richard F. Swope

RFS/sr  
Enclosures  
cc: client

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