

[Cite as *Laskey v. Univ. of Toledo*, 2005-Ohio-3975.]

IN THE COURT OF CLAIMS OF OHIO

KENNETH LASKEY, et al. :
Plaintiffs :
v. : CASE NO. 2005-06490-AD
THE UNIVERSITY OF TOLEDO : MEMORANDUM DECISION
Defendant :

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FINDINGS OF FACT

{¶ 1} 1) On April 25, 2005, plaintiffs, Kenneth Laskey and Doris E. Laskey, sustained property damage to their automobile while parking the vehicle on a lot owned and operated by defendant, University of Toledo. Specifically, the bumper cover of plaintiffs' car was damaged when it caught on a piece of rebar protruding from a parking block located at the end of a parking space on defendant's lot.

{¶ 2} 2) Plaintiffs filed this complaint seeking to recover \$560.58, the total cost of automotive repair resulting from the April 25, 2005, incident. Plaintiffs pointed out they maintain insurance coverage for their vehicle with a \$500.00 deductible. The filing fee was paid.

{¶ 3} 3) On May 26, 2005, defendant submitted an investigation report admitting liability for plaintiffs' property damage.

CONCLUSIONS OF LAW

{¶ 4} 1) Defendant was charged with a duty to exercise reasonable care for the protection of plaintiffs' property. In regard to the facts of this claim, negligence on the part of defendant has been shown. *Jackson v. University of Akron* (2001),

2001-04026-AD.

{¶ 5} 2) R.C. 3345.40(B)(2) states in pertinent part:

{¶ 6} If a plaintiff receives or is entitled to receive benefits for injuries or loss allegedly incurred from a policy or policies of insurance or any other source, the benefits shall be disclosed to the court, and the amount of the benefits shall be deducted from any award against the state university or college recovered by plaintiff."

{¶ 7} Thus, pursuant to the statutory requirement of R.C. 3345.40(B)(2), compensation for the automotive repair expenses shall be limited to \$500.00, plaintiffs' stated insurance deductible.

{¶ 8} 3) Plaintiffs have suffered damages in the amount of \$500.00, plus the \$25.00 filing fee, which may be reimbursed as compensable damages pursuant to the holding in *Bailey v. Ohio Department of Rehabilitation and Correction* (1990), 62 Ohio Misc. 2d 19.

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KENNETH LASKEY, et al.	:	
Plaintiffs	:	
v.	:	CASE NO. 2005-06490-AD
THE UNIVERSITY OF TOLEDO	:	<u>ENTRY OF ADMINISTRATIVE</u>
Defendant	:	<u>DETERMINATION</u>

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Having considered all the evidence in the claim file and, for the reasons set forth in the memorandum decision filed concurrently herewith, judgment is rendered in favor of plaintiffs in the amount of \$525.00, which includes the filing fee. Court costs are assessed against defendant. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

DANIEL R. BORCHERT
Deputy Clerk

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