

Court of Claims of Ohio

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614.387.9800 or 1.800.824.8263
www.cco.state.oh.us

JERRY B. SHOCKEY

Plaintiff

v.

MIAMI UNIVERSITY OF OHIO

Defendant

Case No. 2008-10137-AD

Clerk Miles C. Durfey

MEMORANDUM DECISION

FINDINGS OF FACT

{¶ 1} 1) On October 1, 2008, an automobile owned by plaintiff, Jerry B. Shockey, was damaged as a result of negligence on the part of an employee of defendant, Miami University, in conducting lawn maintenance activity on university grounds.

{¶ 2} 2) Plaintiff filed this complaint seeking to recover \$739.18, the cost of body repair for his 2004 Volkswagen Jetta GLS. The filing fee was paid.

{¶ 3} 3) Defendant admitted liability for the cost of repairing plaintiff's property damage.

{¶ 4} 4) Plaintiff filed a response expressing his agreement with defendant's position.

CONCLUSIONS OF LAW

{¶ 5} 1) Defendant was charged with a duty to exercise reasonable care for the protection of plaintiff's property while performing any maintenance work. *Hoelle v. Miami Univ.*, Ct. of Cl. No. 2005-06970-AD, 2005-Ohio-4643. In regards to the facts of this claim, negligence on the part of defendant has been shown. *Rust v. Miami Univ.*, Ct. of Cl. No. 2005-01226-AD, 2005-Ohio-1248.

{¶ 6} 2) Defendant is liable to plaintiff for damages claimed, \$739.18, plus the

\$25.00 filing fee which may be reimbursed as compensable costs pursuant to R.C. 2335.19. See *Bailey v. Ohio Department of Rehabilitation and Correction* (1990), 62 Ohio Misc. 2d 19, 587 N.E. 2d 990.

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ENTRY OF ADMINISTRATIVE DETERMINATION

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 plaintiff in the amount of \$764.18, which includes the filing fee. Court costs are assessed against defendant.

MILES C. DURFEY
Clerk

Entry cc:

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