

# 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

ROBERT ALLENICK

Plaintiff

v.

OHIO DEPARTMENT OF NATURAL RESOURCES

Defendant

Case No. 2009-08314-AD

Deputy Clerk Daniel R. Borchert

## MEMORANDUM DECISION

### FINDINGS OF FACT

{¶ 1} 1) On July 24, 2008, a boat owned by plaintiff, Robert Allenick, was damaged when the watercraft struck a submerged unmarked dredge hose in the channel of Geneva State Park Marina. Plaintiff pointed out the dredge hose was part of a dredge owned by defendant, Department of Natural Resources (DNR). Plaintiff filed this complaint against DNR seeking to recover \$896.68, his insurance deductible for boat repair. The filing fee was paid. This claim represents a second filing by plaintiff for additional discovered damage to his boat resulting from the July 24, 2008 incident.

{¶ 2} 2) Defendant filed an investigation report acknowledging plaintiff stated a claim under Chapter 2743 of the Ohio Revised Code. Defendant agreed plaintiff suffered property damage in the amount of \$896.68 and filing fee costs in the amount of \$25.00.

### CONCLUSIONS OF LAW

{¶ 3} 1) Negligence on the part of defendant has been shown. *Slane v. Ohio Dept. of Natural Resources*, Ct. of Cl. No. 2006-04288-AD, 2006-Ohio-7297; *Fisher v .*

*Geneva State Park Marina*, Ct. of Cl. No. 2008-09538-AD, 2008-Ohio-7135; *Chuck v. Ohio Dept. of Natural Resources*, Ct. of Cl. No. 2008-09317-AD, 2009-Ohio-4266; *Allenick v. Ohio Dept. of Natural Resources*, Ct. of Cl. No. 2008-10633, 2009-Ohio-1989.

{¶ 4} 2) Plaintiff has suffered damages in the amount of \$896.68, 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 \$921.68, which includes the filing fee. Court costs are assessed against defendant.

DANIEL R. BORCHERT  
Deputy Clerk

Entry cc:

Robert Allenick  
25128 Cardington Drive  
Beachwood, Ohio 44122

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Department of Natural Resources  
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RDK/laa  
1/13  
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