



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

MELANIE KROOK

Plaintiff

v.

MIAMI UNIVERSITY

Defendant

Case No. 2009-09515-AD

Deputy Clerk Daniel R. Borchert

MEMORANDUM DECISION

FINDINGS OF FACT

{¶ 1} 1) On October 28, 2009, a 2006 Honda Civic owned by plaintiff, Melanie Krook, 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 damages in the amount of \$208.99, for replacement parts. The \$25.00 filing fee was paid and plaintiff requested reimbursement of that cost along with her damage claim.

{¶ 3} 3) Defendant filed an investigation report stating: "The Defendant believes that the Plaintiff has filed a valid claim for items totaling \$233.99."

CONCLUSIONS OF LAW

{¶ 4} 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; *Laux v. Cleveland State Univ.*, Ct. of Cl. No. 2007-01410-AD, 2007-Ohio-2409; *Dunlap v. Ohio University*, Ct. of Cl. No. 2009-06010-AD, 2009-Ohio-7081.

{¶ 5} 2) Consequently, defendant is liable to plaintiff for the damaged claimed, \$208.99, 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 \$233.99, which includes the filing fee. Court costs are

assessed against defendant.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

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RDK/laa
3/5
Filed 3/19/10
Sent to S.C. reporter 8/6/10