

[Cite as *Powell v. Cleveland State Univ.*, 2003-Ohio-5550.]

IN THE COURT OF CLAIMS OF OHIO

CLAIRE E. POWELL :
Plaintiff :
v. : CASE NO. 2003-05623-AD
CLEVELAND STATE UNIVERSITY : MEMORANDUM DECISION
Defendant :

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FINDINGS OF FACT

{¶1} 1) On April 23, 2003, the car of plaintiff, Claire E. Powell, was damaged while parked at a parking garage located on the premises of defendant, Cleveland State University. Specifically, plaintiff’s car was damaged when a caustic liquid substance dripped from the ceiling of defendant’s parking garage onto the body surface of plaintiff’s vehicle.

{¶2} 2) Consequently, plaintiff filed this complaint seeking to recover \$1,150.79, the complete cost of automotive repair, plus filing fees. Plaintiff attested she does maintain insurance coverage with a \$500.00 deductible to cover property damage to her vehicle.

{¶3} 3) On July 25, 2003, defendant filed an investigation report not admitting responsibility for plaintiff’s damage. Defendant disputed plaintiff’s damage claim as excessive.

CONCLUSIONS OF LAW

{¶4} 1) After considering the facts of this claim, plaintiff has established negligence on the part of defendant. *Faulkner v. University of Akron* (1998), 98-06240-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} 3) Defendant is liable to plaintiff 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.

{¶8} 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 \$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

Entry cc:

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RDK/laa
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