

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

SACHIN KUMAR

Plaintiff

v.

MIAMI UNIVERSITY

Defendant

Case No. 2006-05501-AD

Daniel R. Borchert

Deputy Clerk

MEMORANDUM DECISION

FINDINGS OF FACT

{¶ 1} 1) On August 24, 2006, an automobile owned by plaintiff, Sachin Kumar, was damaged when the vehicle was struck by a falling tree limb while parked at a lot located on the campus of defendant, Miami University.

{¶ 2} 2) Plaintiff filed this complaint seeking to recover \$500.00, his insurance coverage deductible for automotive repair, plus \$25.00 for filing fee reimbursement. The filing fee was paid.

{¶ 3} 3) Defendant admitted liability in this action and contended plaintiff's damages should be limited by any available collateral source recovery.

CONCLUSIONS OF LAW

{¶ 4} 1) In regard to the facts of this case, negligence on the part of defendant has been shown. *Baisden v. Southern Ohio Correctional Facility* (1977), 76-0617-AD; *Stewart v. Ohio National Guard* (1979), 78-0342-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 is subject to available collateral sources.

{¶ 8} 3) Plaintiff has 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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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 \$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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Plaintiff, Pro se

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RDK/laa

9/21

Filed 9/29/06

Sent to S.C. reporter 6/21/07