

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

DAVID WISE

Plaintiff

v.

MIAMI UNIVERSITY

Defendant

Case No. 2007-04621-AD

Deputy Clerk Daniel R. Borchert

MEMORANDUM DECISION

FINDINGS OF FACT

{¶1} 1) On February 15, 2007, a car owned by plaintiff, David Wise, was damaged when the vehicle was improperly towed by an employee of defendant, Miami University.

{¶2} 2) Plaintiff filed this complaint seeking to recover \$306.51, the total cost of automotive repair he incurred as a result of the actions of defendant's personnel. The \$25.00 filing fee was submitted with the complaint.

{¶3} 3) Defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$306.51. Defendant also acknowledged plaintiff should receive reimbursement for his filing fee costs.

CONCLUSIONS OF LAW

{¶4} 1) Defendant was charged with a duty to exercise reasonable care for the protection of plaintiff's property. In regard to the facts of this case, negligence on the part of defendant has been shown. See *Jagoditz v. Miami University* (2005), 2005-01986-AD.

{¶5} 2) Plaintiff has suffered damages in the amount of \$306.51. The \$25.00 filing fee 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.

Case No. 2007-04621-AD

- 2 -

ENTRY

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

DAVID WISE

Plaintiff

v.

MIAMI UNIVERSITY

Defendant

Case No. 2007-04621-AD

Deputy Clerk Daniel R. Borchert

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 \$331.51, which includes the filing fee. Court costs are assessed against defendant.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

David Wise
43925 Crestview Road
Columbiana, Ohio 44408

Paul S. Allen
Miami University
Roudebush Hall, Room 14

Oxford, Ohio 45056

RDK/laa
12/19
Filed 12/28/07
Sent to S.C. reporter 2/5/08