

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. 2008-10633-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 \$1,050.00, his insurance coverage deductible for boat repair. The filing fee was paid.

{¶ 2} 2) Defendant filed an investigation report admitting liability for plaintiff’s property damage in the amount of \$1,050.00. Defendant also agreed to reimburse plaintiff for filing fee costs.

CONCLUSIONS OF LAW

{¶ 3} 1) Sufficient proof of liability on the part of DNR has been shown. *Finamore v. Ohio Dept. of Natural Resources*, Ct. of Cl. No. 2006-04296-AD, 2006-Ohio-7298; *Lowe v. Ohio Dept. of Natural Resources*, Ct. of Cl. No. 2006-07660-AD, 2007-Ohio-2404.

{¶ 4} 2) Plaintiff has suffered damages in the amount of \$1,050.00, 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 \$1075.00, 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

Charles C. Rowan
Department of Natural Resources
2045 Morse Road, Building D-3
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RDK/laa
1/14
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