

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

MELISSA KAHLE

Plaintiff

v.

OHIO STATE HIGHWAY PATROL

Defendant

Case No. 2010-11846-AD

Clerk Miles C. Durfey

MEMORANDUM DECISION

FINDINGS OF FACT

{¶ 1} 1) Plaintiff, Melissa Kahle, filed this action against defendant, Ohio State Highway Patrol (OSHP), contending that the door on her 2007 Dodge Charger was damaged on October 6, 2010 as a proximate cause of negligence on the part of an OSHP employee. In her complaint, plaintiff requested damages in the amount of \$1,122.08, the total cost of replacing the door on her car. Also, in her complaint plaintiff acknowledged that she carries insurance covering automobile damage with a \$500.00 deductible provision and she has admitted receiving \$622.08 from her insurer for repair expenses. Pursuant to the provisions of R.C. 2743.02(D)¹ plaintiff's damage claim is limited to \$500.00. The filing fee was paid.

{¶ 2} 2) Defendant filed an investigation report admitting liability for plaintiff's loss and acknowledging that the damage amounted to \$500.00, plaintiff's

¹ R.C. 2743.02(D) states in pertinent part:

"(D) Recoveries against the state shall be reduced by the aggregate of insurance proceeds, disability award, or other collateral recovery received by the claimant. This division does not apply to civil actions in the court of claims against a state university or college under the circumstances described in section 3335.40 of the Revised Code. The collateral benefits provisions of division (B)(2) of that section apply under those circumstances."

insurance coverage deductible.

CONCLUSIONS OF LAW

{¶ 3} 1) Negligence on the part of defendant has been established. *Johnson v. State Highway Patrol* (2002), 2001-12347-AD; *Zapf v. Highway Patrol*, Ct. of Cl. No. 2006-07511-AD, 2007-Ohio-3104; *Landman v. Ohio State Highway Patrol*, Ct. of Cl. No. 2007-01801-AD, 2007-Ohio-2414; *Hutchison v. State Highway Patrol*, Ct. of Cl. No. 2008-06318-AD, 2008-Ohio-5627; *Kovacik v. Ohio State Hwy. Patrol*, Ct. of Cl. No. 2008-09619-AD, 2009-Ohio-1592.

{¶ 4} 2) Plaintiff has suffered damages in the amount of \$500.00, 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 \$525.00, which includes the filing fee. Court costs are assessed against defendant.

MILES C. DURFEY
Clerk

Entry cc:

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RDK/laa
2/25
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