

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

RYAN GARRINGER

Plaintiff

v.

OHIO UNIVERSITY

Defendant

Case No. 2010-12290-AD

Clerk Miles C. Durfey

MEMORANDUM DECISION

FINDINGS OF FACT

{¶ 1} 1) Plaintiff, Ryan Garringer, a resident student attending defendant, Ohio University (OU), filed this action contending that defendant should bear responsibility for the loss of his property that was water damaged while stored in a dormitory room at sometime while he was away from November 12 to November 14, 2010. Plaintiff explained that when he returned to his dormitory room on the early morning of November 14, 2010, he discovered that his property had been moved from the room floor and placed on his bed and desk and the floor was covered with water. Plaintiff further explained that the water on his dormitory room floor had emanated from “the urinal in the bathroom continuously running due to malfunctioning pipes.” Plaintiff related that his calculator, two text books, and notebooks were water damaged by the described plumbing malfunction. Plaintiff requested monetary damages in the amount of \$379.00, the stated replacement cost of his property items. The \$25.00 filing fee was paid and plaintiff requested reimbursement of that cost along with his damage claim.

{¶ 2} 2) Defendant filed an investigation report stating that “Ohio University

does not contest this claim.”

{¶ 3} 3) Plaintiff filed a response expressing his agreement with the OU investigation report.

CONCLUSIONS OF LAW

{¶ 4} 1) Defendant, by exercising control over the piping system in the student housing facility, was under a duty to maintain the system in good and safe working order. *Mosebach v. Miami University of Ohio* (1990), 90-02431-AD; *Chetsko v. Miami University*, Ct. of Cl. No. 2007-03960-AD, 2007-Ohio-4395; *Smith v. Miami Univ.*, Ct. of Cl. No. 2008-10501-AD, 2009-Ohio-2418.

{¶ 5} 2) Negligence on the part of defendant has been proven in respect to breaching inspection and maintenance duties. *Kurkar v. Bowling Green State University* (1991), 91-04934-AD; *Schlemmer v. Bowling Green State University* (1997), 97-05479-AD; *Philip v. Miami University* (2000), 99-15056-AD; *Stout v. Miami Univ.*, Ct. of Cl. No. 2007-03510-AD, 2007-Ohio-4873.

{¶ 6} 3) Defendant is liable to plaintiff in the amount of \$379.00, 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 \$404.00, which includes the filing fee. Court costs are assessed against defendant.

MILES C. DURFEY
Clerk

Entry cc:

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RDK/laa
1/25
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