

# 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

CHELSEA SNYDER

Plaintiff

v.

MIAMI UNIVERSITY

Defendant

Case No. 2010-13113-AD

Deputy Clerk Daniel R. Borchert

## MEMORANDUM DECISION

### FINDINGS OF FACT

{¶ 1} 1) Plaintiff, Chelsea Snyder, filed this action against defendant, Miami University, contending her 2006 Mini Cooper was damaged when the vehicle was struck by a malfunctioning traffic gate arm at the entrance to the Campus Avenue parking garage. The parking garage is owned and operated by defendant. In her complaint, plaintiff requested damage recovery in the amount of \$250.00, her insurance coverage deductible for automotive repair. The \$25.00 filing fee was paid and plaintiff requested reimbursement of that cost along with her damage claim.

{¶ 2} 2) Defendant filed an investigation report admitting liability and acknowledging plaintiff suffered the loss claimed.

### CONCLUSIONS OF LAW

{¶ 3} 1) The traffic gate and the mechanism which governs it is under the exclusive control of defendant. Thus, defendant will be liable for any malfunction which causes damage. *Han v. Traffic Department, Ohio State University* (1981), 81-04575-AD.

{¶ 4} 2) However, plaintiff has the burden of proving, by a preponderance of the evidence, that the particular traffic gate malfunctioned during normal and intended use. *Saunders v. The Ohio State University* (1993), 93-05245-AD. To make such a showing, plaintiff must produce sufficient evidence or documentation to satisfy the trier of fact. *Saunders*.

{¶ 5} 3) After review of the plaintiff's complaint, the defendant's investigation report and other evidence in the case file, the court makes the following determination. The court concludes plaintiff has proven her vehicle was damaged by a malfunctioning traffic gate arm located on the premises of the defendant. *Consortium Communications, Inc. v. Ohio Department of Youth Services* (2002), 2002-01420-AD. Therefore, defendant is liable to plaintiff for damages of \$250.00, 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 \$275.00, which includes the filing fee. Court costs are assessed against defendant.

DANIEL R. BORCHERT  
Deputy Clerk

Entry cc:

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RDK/laa  
2/25  
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