

[Cite as *Neft v. Miami Univ.*, 2003-Ohio-119.]

IN THE COURT OF CLAIMS OF OHIO

JAMES NEFT :  
446 Leet Road :  
Sewickley, Pennsylvania 15143 : Case No. 2002-09439-AD  
  
Plaintiff : MEMORANDUM DECISION  
  
v. :  
  
MIAMI UNIVERSITY :  
  
Defendant :

: : : : : : : : : : : : : : : :

For Defendant: Paul S. Allen  
Court of Claims Coordinator  
Miami University  
Rhoudebush Hall Room 218  
Oxford, Ohio 45056  
: : : : : : : : : : : : : : :

{¶1} THE COURT FINDS THAT:

{¶2} 1) On October 18, 2002, plaintiff, James Neft, filed a complaint against defendant, Miami University, alleging defendant's negligence proximately caused property damage. Plaintiff seeks damages in the amount of \$250.00, his insurance coverage deductible for property loss, plus filing fee reimbursement. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On November 4, 2002, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$250.00, the insurance coverage deductible for property loss.

{¶4} THE COURT CONCLUDES THAT:

{¶5} 1) I find, by a preponderance of the evidence, negligence by defendant has been shown. *Baisden v. Southern Ohio*

*Correctional Facility* (1977), 76-0617-AD; *Stewart v. Ohio National Guard* (1979), 78-0342-AD;

{¶6} 2) Plaintiff has suffered damages in the amount of \$250.00, plus the \$25.00 filing fee, which may be reimbursed as compensable damages pursuant to *Bailey v. Ohio Department of Rehabilitation and Correction* (1990), 62 Ohio Misc. 2d 19.

{¶7} Having considered all the evidence in the claim file and adopting the memorandum decision concurrently herewith;

{¶8} IT IS ORDERED THAT:

{¶9} 1) Plaintiff's claim is GRANTED and judgment is rendered in favor of the plaintiff;

{¶10} 2) Defendant (Miami University) pay plaintiff (James Neft) \$275.00 and such interest as is allowed by law;

{¶11} 3) Court costs are assessed against defendant.

DANIEL R. BORCHERT  
Deputy Clerk

RDK/laa  
12/18  
Filed 1/7/03  
Jr. Vol. 729, Pg. 118  
Sent to S.C. reporter 1/14/03