

IN THE COURT OF CLAIMS OF OHIO

STACEY MOREEN :
1630 Harden Drive :
Barberton, Ohio 44203 : Case No. 2002-09803-AD

Plaintiff : MEMORANDUM DECISION

v. :

UNIVERSITY OF AKRON :

Defendant :

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

For Defendant: Michael D. Sermersheim
Associate Vice President
and Deputy General Counsel
Office of General Counsel
University of Akron
Akron, Ohio 44325-4706
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FINDINGS OF FACT

{¶1} 1) On October 21, 2002, the car of plaintiff, Stacey Moreen, was damaged while parked at a parking garage located on the premises of defendant, University of Akron. Specifically, plaintiff's car was damaged by a chain stretched across the entrance to a parking deck.

{¶2} 2) Consequently, plaintiff filed this complaint seeking to recover \$1,634.74, the complete cost of automotive repair, plus filing fees. Plaintiff attested she does maintain insurance coverage with a \$500.00 deductible to cover property damage to her vehicle.

{¶3} 3) On January 15, 2003, defendant filed a document titled "Investigation Report" neither admitting nor denying responsibility for plaintiff's damage. Defendant consented to any

judgment this court may render regarding liability.

CONCLUSIONS OF LAW

{¶4} 1) After considering the facts of this claim, plaintiff has established negligence on the part of defendant. *Faulkner v. University of Akron* (1998), 98-06240-AD.

{¶5} 2) R.C. 3345.40(B)(2) states, in pertinent part:

{¶6} "If a plaintiff receives or is entitled to receive benefits for injuries or loss allegedly incurred from a policy or policies of insurance or any other source, the benefits shall be disclosed to the court and the amount of the benefits shall be deducted from any award against the state university or college recovered by plaintiff."

{¶7} 3) Defendant is liable to plaintiff in the amount of \$500.00, plus the \$25.00 filing fee, which may be reimbursed as compensable damages pursuant to the holding in *Bailey v. Ohio Department of Rehabilitation and Correction* (1990), 62 Ohio Misc. 2d 19.

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

{¶9} IT IS ORDERED THAT:

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

{¶11} 2) Defendant (University of Akron) pay plaintiff (Stacey Moreen) \$525.00 and such interest as is allowed by law;

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

DANIEL R. BORCHERT
Deputy Clerk