

[Cite as *Ross v. Miami Univ.*, 2003-Ohio-2272.]

IN THE COURT OF CLAIMS OF OHIO

NICOLE M. ROSS	:	
Plaintiff	:	
v.	:	CASE NO. 2003-01440-AD
MIAMI UNIVERSITY	:	<u>MEMORANDUM DECISION</u>
Defendant	:	

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

{¶1} THE COURT FINDS THAT:

{¶2} 1) On January 14, 2003, plaintiff, Nicole M. Ross, filed a complaint against defendant, Miami University, alleging her clothing items and other personal property were destroyed by water leaks from a malfunctioning air conditioning unit under defendant's control. Plaintiff seeks damages in the amount of \$420.00 for property loss. Plaintiff submitted the filing fee with her complaint;

{¶3} 2) On March 10, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$420.00.

{¶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 \$420.00, 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.

{¶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 (Nicole M. Ross) \$445.00 and such interest as is allowed by law;

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

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DANIEL R. BORCHERT  
Deputy Clerk

Order cc:

Nicole M. Ross  
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Troy, Ohio 45373

Plaintiff, Pro se

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Court of Claims Coordinator  
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For Defendant

RDK/laa  
4/3  
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