

[Cite as *Bueschel v. Miami Univ.*, 2003-Ohio-6599.]

IN THE COURT OF CLAIMS OF OHIO

BRUCE BUESCHEL, et al. :

Plaintiffs :

V. : CASE NO. 2003-09360-AD

MIAMI UNIVERSITY : MEMORANDUM DECISION

Defendant _____

{¶1} THE COURT FINDS THAT:

{¶2} 1) On September 2, 2003, plaintiffs, Bruce and Ellen Bueschel, filed a complaint against defendant, Miami University, alleging defendant's negligence caused damage to their personal property, interfered with their leasehold interest in real property, and resulted in related costs. Plaintiffs seek damages in the amount of \$2,027.00. Plaintiffs submitted the filing fee on September 11, 2003;

{¶3} 2) On October 8, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages to their personal property.

{¶4} THE COURT CONCLUDES THAT:

{¶15} 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) Plaintiffs have suffered damages in the amount of \$2,002.00, 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, for the reasons set

forth in the memorandum decision filed concurrently herewith, judgment is rendered in favor of plaintiffs in the amount of \$2,027.00, which includes the filing fee. Court costs are assessed against defendant. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

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RDK/laa
10/28
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