

[Cite as *Mayhew v. Cleveland State Univ.*, 2004-Ohio-3491.]

IN THE COURT OF CLAIMS OF OHIO

KIMBERLY A. MAYHEW :
Plaintiff :
v. : CASE NO. 2004-03764-AD
CLEVELAND STATE UNIVERSITY : MEMORANDUM DECISION
Defendant :

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FINDINGS OF FACT

{¶1} 1) On November 12, 2003, plaintiff, Kimberly A. Mayhew, parked her vehicle at a garage owned and operated by defendant, Cleveland State University. Plaintiff's vehicle was damaged while parked at defendant's garage. Consequently, plaintiff filed this complaint seeking to recover \$400.00, the cost she incurred for automotive repair. Plaintiff submitted the requisite filing fee.

{¶2} 2) Defendant admitted liability for the damage to plaintiff's vehicle.

CONCLUSIONS OF LAW

{¶3} 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.

{¶4} 2) Plaintiff has suffered damages in the amount of \$400.00, 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.

{¶5} 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 \$425.00, 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
5/21
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