

[Cite as *Trent v. Miami Univ.*, 2004-Ohio-7319.]

IN THE COURT OF CLAIMS OF OHIO

LAWRENCE A. TRENT :  
Plaintiff :  
v. : CASE NO. 2004-09045-AD  
MIAMI UNIVERSITY : MEMORANDUM DECISION  
Defendant :

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

FINDINGS OF FACT

{¶ 1} 1) On June 25, 2004, plaintiff, Lawrence A. Trent, suffered property damage when the rear hatch of his vehicle was struck by a John Deere Gator owned by defendant, Miami University, and operated by an employee of defendant. Plaintiff filed this complaint seeking to recover \$1,020.16, the total cost of vehicle repair resulting from the June 25, 2004, incident. Plaintiff asserted he does not maintain automotive insurance coverage for the type of incident forming the basis of this claim. Plaintiff submitted a document listing his insurance coverage. The requisite material filing fee was paid.

{¶ 2} 2) Defendant admitted liability for plaintiff's property damages. Defendant contended plaintiff's repair expenses are subject to any collateral recovery available through insurance.

CONCLUSIONS OF LAW

{¶ 3} 1) Defendant was charged with a duty to exercise reasonable care for the protection of plaintiff's property while operating mobile equipment. In regard to the facts of this claim negligence on the part of 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) R.C. 3345.40(B)(2) states in pertinent part:

{¶ 5} 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."

{¶ 6} 3) Plaintiff has suffered damages in the amount of \$1,026.16, 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.

IN THE COURT OF CLAIMS OF OHIO

LAWRENCE A. TRENT :  
Plaintiff :  
v. : CASE NO. 2004-09045-AD  
MIAMI UNIVERSITY : ENTRY OF ADMINISTRATIVE  
Defendant : DETERMINATION

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

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 \$1,051.16, 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:

Lawrence A. Trent  
608 Erin Drive  
Oxford, Ohio 45056

Plaintiff, Pro se

Paul S. Allen  
Court of Claims Coordinator  
Miami University  
Roudebush Hall Room 14  
Oxford, Ohio 45056

For Defendant

RDK/laa  
12/14  
Filed 12/22/04  
Sent to S.C. reporter 1/21/05