

[Cite as *Shivers v. Univ. of Cincinnati*, 2006-Ohio-625.]

IN THE COURT OF CLAIMS OF OHIO
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JAMILA SHIVERS :
 :
 Plaintiff : CASE NO. 2000-02461
 : Judge J. Warren Bettis
 v. :
 : JUDGMENT ENTRY
 UNIVERSITY OF CINCINNATI :
 :
 Defendant :
 : : : : : : : : : : : : : : : : : : :

{¶ 1} Following remand from the Tenth District Court of Appeals in *Shivers v. University of Cincinnati*, Franklin App. No. 02AP-395, 2002-Ohio-6633, the issues of liability and damages were bifurcated and this case proceeded to trial on the issue of liability. Upon conclusion of the trial, the court found that plaintiff had proven her claim of negligence, in that defendant’s failure to install simple, inexpensive locks or latches on the shower doors constituted a breach of the duty of care and that the breach proximately caused plaintiff’s injury. The case then proceeded to trial on the issue of damages.

{¶ 2} Plaintiff testified that after being attacked and raped in Daniels Hall on defendant’s campus, she was treated at the hospital. Although the abrasions and bruises soon healed, plaintiff related that she suffered from emotional distress and developed psychological problems which are ongoing. Plaintiff’s physician, Barbara Mandell, testified via videotaped deposition that she diagnosed plaintiff as suffering from post-traumatic stress syndrome, depression, and anxiety. She treated plaintiff with antidepressant medication and supportive therapy as needed. Both lay and expert witnesses testified that plaintiff has

exhibited symptoms of anxiety, depression, and stress manifested by frequent nightmares, difficulty sleeping, fear of being alone, and an inability to maintain gainful employment.

{¶ 3} Prior to the assault, plaintiff was pursuing a degree in nursing at defendant's university. She has not returned to school for any appreciable length of time and has also demonstrated an inconsistent work ethic which, according to the testimony of witnesses, is a marked change from plaintiff's behavior prior to the rape.

{¶ 4} Based on the testimony at trial and the exhibits in evidence, the court finds that plaintiff suffered damages in the amount of \$100,000 as a result of the attack on February 26, 1998. Therefore, judgment is rendered in favor of plaintiff in the amount of \$100,025 which includes, but is not limited to pain, suffering, and the filing fee paid by plaintiff. 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.

J. WARREN BETTIS
Judge

Entry cc:

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