

[Cite as *Pyles v. Shawnee State Park*, 2007-Ohio-2680.]

Court of Claims of Ohio

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614.387.9800 or 1.800.824.8263
www.cco.state.oh.us

GARY R. PYLES

Plaintiff

v.

SHAWNEE STATE PARK

Defendant

Case No. 2007-01215-AD

Clerk Miles C. Durfey

MEMORANDUM DECISION

FINDINGS OF FACT

{¶1} 1) On January 8, 2007, plaintiff, Gary R. Pyles, filed a complaint against defendant, Department of Natural Resources, asserting that his camper was damaged by a fallen tree limb while parked on the grounds of Shawnee State Park.

{¶2} 2) Plaintiff seeks damages in the amount of \$883.77 for repair costs, \$20.00 for “loss of use of campsite . . . for fear of additional limbs falling,” and \$750.00 for depreciation of the value of the camper due to its being repaired. Plaintiff acknowledged that he received insurance payments for repair costs amounting to \$783.77. Consequently, plaintiff’s damage claim for repair expenses is limited to \$100.00, his insurance coverage deductible.¹ Plaintiff’s other claims have not been substantiated and are, therefore, not compensable. Plaintiff’s damage is set at \$125.00, his insurance deductible and filing fee reimbursement. The filing fee was paid.

{¶3} 3) On March 8, 2007, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$125.00.

CONCLUSIONS OF LAW

{¶4} 1) Sufficient proof of liability 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.

{¶5} 2) Plaintiff has suffered damages in the amount of \$100.00, 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, 587 N.E. 2d 990.

¹ R.C. 2743.02(D) limits any recovery for property damage plaintiff may receive from his insurance coverage deductible.

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ENTRY OF ADMINISTRATIVE
DETERMINATION

Defendant

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 \$125.00, 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.

MILES C. DURFEY
Clerk

Entry cc:

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RDK/laa
3/28
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