

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

LINDA G. DENNETT

Plaintiff

v.

MIAMI UNIVERSITY

Defendant

Case No. 2007-03501-AD

Clerk Miles C. Durfey

MEMORANDUM DECISION

FINDINGS OF FACT

{¶1} 1) On August 11, 2006, an automobile owned by plaintiff, Linda G. Dennett, was damaged when the vehicle was struck by a falling tree limb while parked on a lot located on the campus of defendant, Miami University.

{¶2} 2) Plaintiff filed this complaint seeking to recover \$100.00, her insurance coverage deductible for automotive repair. Plaintiff paid the \$25.00 filing fee and requested reimbursement of that amount.

{¶3} 3) Defendant admitted liability in this action and contended that plaintiff's damages should be limited by any available collateral source recovery.

CONCLUSIONS OF LAW

{¶4} 1) In regard to the facts of this case, 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; *Kumar v. Miami University* (2006), 2006-05501-AD, 2006-Ohio-7301.

{¶5} 2) R.C. 3345.40(B)(2) states in pertinent part:

{¶6} "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 benefits shall be deducted from any award against the state university or college recovered by plaintiff."

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{17} Thus, pursuant to the statutory requirement of R.C. 3345.40(B)(2), compensation for the automotive repair expenses is subject to available collateral sources.

{18} 3) Plaintiff has suffered damages in the amount of \$100.00. The \$25.00 filing fee may be reimbursed as compensable costs pursuant to R.C. 2335.19. See *Bailey v. Ohio Department of Rehabilitation and Correction* (1990), 62 Ohio Misc. 2d 19, 587 N.E. 2d 990.

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ENTRY OF ADMINISTRATIVE
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 \$125.00, which includes the filing fee. Court costs are assessed against defendant.

MILES C. DURFEY
Clerk

Entry cc:

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RDK/laa
6/14
Filed 7/26/07
Sent to S.C. reporter 9/20/07