

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

SARAH ANNE STOUT

Plaintiff

v.

MIAMI UNIVERSITY

Defendant

Case No. 2007-03510-AD

Deputy Clerk Daniel R. Borchert

MEMORANDUM DECISION

FINDINGS OF FACT

{¶1} 1) During the December, 2006 to January, 2007, Winter Break period, a steam pipe leak in a room at a student housing facility owed by defendant, Miami University, caused damage to personal property owned by plaintiff, Sarah Anne Stout, a resident student attending defendant university.

{¶2} 2) Consequently, plaintiff filed this complaint seeking to recover \$1,438.12, the replacement cost of the property destroyed as a result of the steam pipe leak. The filing fee was paid.

{¶3} 3) Defendant admitted liability for plaintiff's property loss in the amount of \$1,438.12.

{¶4} 4) On July 16, 2007, plaintiff filed a response to defendant's investigation report expressing her agreement with the defendant's admission of liability and damages.

CONCLUSIONS OF LAW

{¶5} 1) Defendant, by exercising control over the piping system in the student housing facility, was under a duty to maintain the system in good and safe working order. *Mosebach v. Miami University of Ohio* (1990), 90-02431-AD.

{¶6} 2) Negligence on the part of defendant has been proven in respect to breaching inspection and maintenance duties. *Krukar v. Bowling Green State University* (1991), 91-04934-AD; *Schlemmer v. Bowling Green State University* (1997), 97-05479-AD; *Philip v. Miami University* (2000), 99-15056-AD.

{¶7} 3) Plaintiff has suffered damages in the amount of \$1,438.12. 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

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 \$1,463.12, which includes the filing fee. Court costs are assessed against defendant.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

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RDK/laa
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