

[Cite as *Huxtable v. Miami Univ.*, 2008-Ohio-4193.]

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

JAMIE HUXTABLE

Plaintiff

v.

MIAMI UNIVERSITY

Defendant

Deputy Clerk Daniel R. Borchert

MEMORANDUM DECISION

FINDINGS OF FACT

{¶ 1} 1) During the last week of December 2007, a leak in the overhead water pipes in a room at a student housing facility owned by defendant, Miami University, caused damage to the personal property of plaintiff, Jamie Huxtable, a student attending defendant university.

{¶ 2} 2) Consequently, plaintiff filed this complaint seeking to recover damages in the amount of \$600.00 for the loss of her property items. The filing fee was paid and plaintiff seeks reimbursement of that amount along with her damage claim.

{¶ 3} 3) Defendant filed an investigation report admitting liability for plaintiff's loss and acknowledging the damage amount.

CONCLUSIONS OF LAW

{¶ 4} 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; *Chetsko v. Miami University*, Ct. of Cl. No. 2007-03960-AD, 2007-Ohio-4395.

{¶ 5} 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.

{¶ 6} 3) Plaintiff has suffered damages in the amount of \$600.00, plus the \$25.00 filing fee which 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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Defendant

Case No. 2008-01308-AD

Deputy Clerk Daniel R. Borchert

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 \$625.00, which includes the filing fee. Court costs are assessed against defendant.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

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