

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

JAMES N. KOVACIK, JR.

Plaintiff

v.

OHIO STATE HIGHWAY PATROL

Defendant

Case No. 2008-09619-AD

Deputy Clerk Daniel R. Borchert

MEMORANDUM DECISION

FINDINGS OF FACT

{¶ 1} 1) Plaintiff, James N. Kovacik, Jr., filed this complaint against defendant, Ohio State Highway Patrol (“OSHP”), alleging the negligent act of an OSHP employee caused damage to his motorcycle (scratch on the front fender of a 2006 Honda VTX 1300). The incident occurred while the motorcycle was parked at the Cambridge OSHP Post. Plaintiff seeks damages in the amount of \$200.00, the cost of vehicle repair. The filing fee was paid.

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

CONCLUSIONS OF LAW

{¶ 3} 1) Negligence on the part of defendant has been established. *Johnson v. State Highway Patrol* (2002), 2001-12347-AD; *Zapf v. Highway Patrol*, Ct. of Cl. No. 2006-07511-AD, 2007-Ohio-3104; *Landman v. Ohio State Highway Patrol*, Ct. of Cl. No. 2007-01801-AD, 2007-Ohio-2414; *Hutchison v. State Hwy. Patrol*, Ct. of Cl. No. 2008-06318-AD, 2008-Ohio-5627.

{¶ 4} 2) Plaintiff has suffered damages in the amount of \$200.00, 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.

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

JAMES N. KOVACIK, JR.

Plaintiff

v.

OHIO STATE HIGHWAY PATROL

Defendant

Case No. 2008-09619-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 \$225.00, which includes the filing fee. Court costs are assessed against defendant.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

James N. Kovacik, Jr.
62155 Arrowhead Road
Cambridge, Ohio 43725

Colonel Richard H. Collins
Ohio State Highway Patrol
P.O. Box 182074
Columbus, Ohio 43218-2074

RDK/laa
Filed 1/9/09
Sent to S.C. reporter 3/31/09