

# 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

SUSAN MARVIN

Plaintiff

v.

OHIO DEPT. OF NATURAL RESOURCES

Defendant

Case No. 2009-09167-AD

Deputy Clerk Daniel R. Borchert

## MEMORANDUM DECISION

### FINDINGS OF FACT

{¶ 1} 1) Plaintiff, Susan Martin, filed this action against defendant, Department of Natural Resources (DNR), alleging her minor daughter suffered personal injury on October 17, 2009 as a proximate cause of negligence on the part of DNR in maintaining a dangerous condition on the premises of Salt Fork State Park. Specifically, plaintiff related her daughter “had her finger fractured when the steel door to the bathroom (at the F-section comfort station at Salt Fork State Park) slammed on her hand due to a faulty air shock.”

{¶ 2} 2) Plaintiff filed this complaint seeking to recover \$854.65, an amount representing her stated unreimbursed medical expenses she incurred to treat her daughter’s injury. The filing fee was paid. Plaintiff also claimed an additional \$108.06 for two physician’s visits.

{¶ 3} 3) Defendant filed an investigation report noting DNR “does not dispute plaintiff’s claim against the State under Chapter 2743. of the Ohio Revised Code.” Defendant acknowledged plaintiff sustained documented damages in the amount of

\$854.65. Defendant disputed plaintiff's claim for an additional \$108.06 for physician's visits since no documentation was provided to substantiate this claim. Defendant acknowledged plaintiff is entitled to receive filing fee reimbursement in the amount of \$25.00. Defendant pointed out plaintiff's damage recovery is subject to the limitations of R.C. 2743.02(D).<sup>1</sup>

{¶ 4} 4) Plaintiff submitted a response expressing her agreement with defendant's assessment of damage recovery she is entitled to receive.

#### CONCLUSIONS OF LAW

{¶ 5} 1) Sufficient proof of liability on the part of defendant has been shown. *Cisco v. Ohio Veterans Home*, Ct. of Cl. No. 2002-08394-AD, 2003-Ohio-1122; *Stoneking v. Cleveland State Univ.*, Ct. of Cl. No. 2006-03290-AD, 2006-Ohio-7309; *Brent v. Quail Hollow State Park*, Ct. of Cl. No. 2007-02149-AD, 2007-Ohio-4391.

{¶ 6} 2) Plaintiff has suffered damages in the amount of \$854.65, 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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<sup>1</sup> R.C. 2743.02(D) provides in pertinent part:

“(D) Recoveries against the state shall be reduced by the aggregate of insurance proceeds, disability award, or other collateral recovery received by the claimant.”

OHIO DEPT. NATURAL RESOURCES

Defendant

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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 \$879.65, which includes the filing fee. Court costs are assessed against defendant.

DANIEL R. BORCHERT  
Deputy Clerk

Entry cc:

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RDK/laa  
2/18  
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