

# 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

RICHARD B. HUGHES

Plaintiff

v.

MOHICAN STATE PARK

Defendant

Case No. 2009-08233-AD

Clerk Miles C. Durfey

## MEMORANDUM DECISION

### FINDINGS OF FACT

{¶ 1} 1) On September 24, 2009, a 1999 Chrysler van owned by plaintiff, Richard B. Hughes, was damaged while leaving a parking space on the campgrounds of defendant, Mohican State Park.

{¶ 2} 2) Plaintiff asserted that the damage to his van was proximately caused by negligence on the part of defendant in maintaining a hazardous condition on Mohican State Park premises. Plaintiff filed this claim seeking to recover \$625.34, the cost of automotive repair he incurred resulting from the September 24, 2009 incident. The filing fee was paid.

{¶ 3} 3) Defendant filed an investigation report acknowledging that plaintiff stated a claim under Chapter 2743 of the Ohio Revised Code. Defendant agreed that plaintiff suffered property damage in the amount of \$625.34 and filing fee costs of \$25.00. Defendant advised that any collateral source payment plaintiff received for repair costs must be deducted from any damage award.<sup>1</sup> No evidence was submitted

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<sup>1</sup> R.C. 2743.02(D) provides in pertinent part:

to establish that plaintiff actually received any collateral source payment for van repair costs.

#### CONCLUSIONS OF LAW

{¶ 4} 1) Negligence on the part of defendant has been shown. See *Gutridge v. Ohio Dept. of Natural Resources*, Ct. of Cl. No. 2003-10821-AD, 2004-Ohio-2889; *Pyles v. Shawnee State Park*, Ct. of Cl. No. 2007-01215-AD, 2007-Ohio-2680; *Duncan v. Ohio Dept. of Adm. Servs.*, Ct. of Cl. No. 2007-08864-AD, 2008-Ohio-4187.

{¶ 5} 2) Plaintiff has suffered damages in the amount of \$625.34, 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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“(D) Recoveries against the state shall be reduced by the aggregate of insurance proceeds, disability award, or other collateral recovery received by the claimant.”

Clerk Miles C. Durfey

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 \$650.34, which includes the filing fee. Court costs are assessed against defendant.

MILES C. DURFEY  
Clerk

Entry cc:

Richard B. Hughes  
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Mansfield, Ohio 44905

Charles G. Rowan  
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RDK/laa  
2/3  
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