

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 MATTHEWS

Plaintiff

v.

MIAMI UNIVERSITY

Defendant

Case No. 2010-06346-AD

Deputy Clerk Daniel R. Borchert

MEMORANDUM DECISION

FINDINGS OF FACT

{¶ 1} 1) On May 12, 2009, plaintiff, Jamie Matthews, an employee of the Office of Residence Life at defendant, Miami University, placed four boxes of personal property in the Dennison Hall basement storage room. Plaintiff received permission from defendant's Housing staff employees to store her property in the basement storage room. Plaintiff recalled that when she returned to defendant's facility on July 16, 2009 to retrieve her property from the locked storage room, she discovered thirty collectible shot glasses and six DVDs were missing. The missing property was never recovered and plaintiff has contended defendant should bear responsibility for the loss. Consequently, plaintiff filed this complaint seeking to recover damages in the amount of \$300.00, the stated value of her shot glasses and DVDs. The \$25.00 filing fee was paid and plaintiff requested reimbursement of that cost along with her damage claim.

{¶ 2} 2) Defendant filed an investigation report admitting liability and acknowledging plaintiff is entitled to damages in the amount of \$300.00 as well as filing fee reimbursement.

{¶ 3} 3) Plaintiff filed a response expressing her agreement with the position taken by defendant.

CONCLUSIONS OF LAW

{¶ 4} 1) Defendant was charged with a duty to exercise reasonable care for the protection of plaintiff's property. In regard to the facts of this case, negligence on the part of defendant has been shown. *Jagoditz v. Miami University* (2006), 2005-01986-AD; *Wise v. Miami Univ.*, Ct. of Cl. No. 2007-04621-AD, 2007-Ohio-7245.

{¶ 5} 2) Plaintiff has suffered damages in the amount of \$300.00. 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

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 \$325.00, 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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