

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

DIANA WEST

Plaintiff

v.

OHIO UNIVERSITY

Defendant

Case No. 2010-07164-AD

Clerk Miles C. Durfey

MEMORANDUM DECISION

FINDINGS OF FACT

{¶ 1} 1) Plaintiff, Diana West, filed this action against defendant, Ohio University, contending that the radiator on her 2007 Chrysler PT Cruiser was damaged as a proximate cause of negligence on the part of defendant in maintaining a hazardous roadway condition on a roadway area on the campus of Ohio University. In her complaint, plaintiff described her particular damage incident noting that “I turned on to Piggery Lane in the Ridges owned by Ohio University and because of the condition of the road, it ripped the bottom of my radiator out.” Plaintiff further noted that “Piggery Lane is a very narrow road and the bricks in the center of it are a lot higher than my wheels were.” Plaintiff requested damage recovery in the amount of \$419.52, the total cost of automotive repairs and related expenses. 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 stating that “Ohio University does not contest this claim.”

{¶ 3} “3) Plaintiff filed a response expressing her agreement with defendant’s

position.

CONCLUSIONS OF LAW

{¶ 4} 1) Sufficient proof has been offered to establish the damage to the vehicle was proximately caused by negligence on the part of defendant. *Lee v. University of Akron* (1998), 97-12441-AD; *Warren v. University of Akron* (1999), 99-01683-AD; *Miller v. University of Akron* (2001), 2001-04140-AD; *Swigart v. Ohio Univ.*, Ct. of Cl. No. 2009-01581-AD, 2009-Ohio-2771.

{¶ 5} 3) Defendant is liable to plaintiff for the damages claimed, \$419.52, 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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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 \$444.52, which includes the filing fee. Court costs are assessed against defendant.

MILES C. DURFEY
Clerk

Entry cc:

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5 Coventry Lane
Athens, Ohio 45701

George T. Wendt
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RDK/laa
7/22
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