

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

LAURA A. ELBON

Plaintiff

v.

OHIO STATE HIGHWAY PATROL

Defendant

Case No. 2009-09621-AD

Deputy Clerk Daniel R. Borchert

MEMORANDUM DECISION

FINDINGS OF FACT

{¶ 1} 1) Plaintiff, Laura A. Elbon, filed this complaint against defendant, Ohio State Highway Patrol (OSHP), alleging that the negligent act of OSHP personnel caused damage to the tires on her 2010 Chevrolet Impala. Plaintiff seeks damages in the amount of \$565.02 for replacement parts, towing expenses, mileage, and work loss. 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 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 Highway Patrol*, Ct. of Cl. No. 2008-06318-AD, 2008-Ohio-5627; *Kovacik v. Ohio State Hwy. Patrol*, Ct. of Cl. No.

2008-09619-AD, 2009-Ohio-1592.

{¶ 4} 2) Plaintiff has suffered damages in the amount of \$565.02, 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 \$590.02, which includes the filing fee. Court costs are

assessed against defendant.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Laura E. Elbon
113 Main Street
Rochester, Ohio 44090

Colonel David Dicken
Ohio State Highway Patrol
P.O. Box 182074
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RDK/laa
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