



# 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

RONALD U. OSTING

Plaintiff

v.

GRAND LAKE ST. PARK

Defendant

Case No. 2011-06803-AD

Acting Clerk Daniel R. Borchert

## MEMORANDUM DECISION

### FINDINGS OF FACT

{¶1} On May 2, 2011, plaintiff, Ronald Osting, filed a complaint against defendant, Department of Natural Resources, asserting that his camper was damaged during mowing operations while the camper was parked at defendant's Grand Lake State Park.

{¶2} Plaintiff seeks damages in the amount of \$354.36 for costs to replace the steps to the camper. Plaintiff indicated in his complaint that he received insurance payments for repair costs amounting to \$354.36. As such, plaintiff's damage claim for repair expenses would normally be limited to his insurance coverage deductible.<sup>1</sup> The filing fee was paid.

{¶3} On July 1, 2011, defendant filed an investigation report stating that defendant "does not dispute plaintiff's claim against the State under Chapter 2743. of the Ohio Revised Code." Defendant pointed out that any collateral source reimbursement received by plaintiff must be deducted from any damages awarded by the court.

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<sup>1</sup> R.C. 2743.02(D) states that judgments against the state "shall be reduced by the aggregate of insurance proceeds, disability award, or other collateral recovery" received by plaintiff.

{¶4} On July 15, 2011, plaintiff submitted a memorandum from his insurance agent verifying that he did not open a claim against his camper insurance.

#### CONCLUSIONS OF LAW

{¶5} Sufficient proof of liability on the part of defendant has been shown. *Lewis v. Caesar Creek State Park*, Ct. of Cl. No. 2004-08502-AD, 2005-Ohio-1406.

{¶6} Plaintiff has suffered damages in the amount of \$354.36, plus the \$25.00 filing fee, which may be reimbursed as compensable damages pursuant to the holding in *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 \$379.36, which includes the filing fee. Court costs are assessed against defendant.

DANIEL R. BORCHERT  
Acting Clerk

Entry cc:

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7/25  
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