

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

DIANE S. WUCHICH

Plaintiff

v.

MANSFIELD CORRECTIONAL INSTITUTION

Defendant

Case No. 2010-09426-AD

Deputy Clerk Daniel R. Borchert

MEMORANDUM DECISION

FINDINGS OF FACT

{¶ 1} “1) Plaintiff, Diane S. Wuchich, filed this action against defendant, Mansfield Correctional Institution (ManCI), contending her 2009 Hummer H3T was damaged while parked in a parking lot on ManCI grounds. Specifically, plaintiff contended the driver’s side rear door on her vehicle was dented as a proximate cause of negligence on the part of a ManCI maintenance crew conducting lawn mowing and weed eating operations on July 1, 2010 around the parking lot area. In her complaint, plaintiff provided estimates for automotive repair costs to repair her damaged vehicle. The amounts of the provided estimates were \$409.49 and \$632.10. Plaintiff did not designate a specific amount request in her complaint. The filing fee was paid.

{¶ 2} “2) Defendant filed an investigation report admitting liability for plaintiff’s property damage and acknowledging damages in the amount of \$409.49. Plaintiff did not respond.

CONCLUSIONS OF LAW

{¶ 3} “1) Defendant was charged with a duty to exercise reasonable care for

the protection of plaintiff's property while performing any maintenance work. *Hoelle v. Miami Univ.*, Ct. of Cl. No. 2005-06970-AD, 2005-Ohio-4643. In regards to the facts of this claim, negligence on the part of defendant has been shown. *Rust v. Miami Univ.*, Ct. of Cl. No. 2005-01226-AD, 2005-Ohio-1248; *Laux v. Cleveland State Univ.*, Ct. of Cl. No. 2007-01410-AD, 2007-Ohio-2409; *Dunlap v. Ohio University*, Ct. of Cl. No. 2009-06010-AD, 2009-Ohio-7081.

{¶ 4} “2) Consequently, defendant is liable to plaintiff for the damage claimed, \$409.49, 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 \$434.49, 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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