



# 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](http://www.cco.state.oh.us)

MICHELLE BOBO

Plaintiff

v.

OHIO UNIVERSITY

Defendant

Case No. 2011-08393-AD

Deputy Clerk Daniel R. Borchert

## MEMORANDUM DECISION

### FINDINGS OF FACT

{¶1} During the week of April 25, 2011, plaintiff, Michelle Bobo, sustained property damage to her automobile while the vehicle was parked on a lot owned and operated by defendant, Ohio University. Specifically, the car suffered damage to the hood of the car by an errant softball from an adjacent field. Plaintiff pointed out she maintains insurance coverage for the vehicle with a \$250.00 deductible. The filing fee was paid.

{¶2} Plaintiff filed her complaint seeking to recover \$414.64, the cost of her automotive repairs and reimbursement of the filing fee. The \$25.00 filing fee was paid.

{¶3} On July 13, 2011, defendant submitted an investigation report wherein defendant states that plaintiff's claim is limited to reimbursement of her insurance deductible and reimbursement of the filing fee.

### CONCLUSIONS OF LAW

{¶4} In regard to the facts of this claim, liability on the part of defendant has not been disputed. See *Couser v. Wright State University*, Ct. of Cl. No. 2004-07344-AD,

2004-Ohio-5422.

{¶5} 2R.C. 3345.40(B)(2) states in pertinent part:

{¶6} "If a plaintiff receives or is entitled to receive benefits for injuries or loss allegedly incurred from a policy or policies of insurance or any other source, the benefits shall be disclosed to the court, and the amount of the benefits shall be deducted from any award against the state university or college recovered by plaintiff."

{¶7} Thus, pursuant to the statutory requirement of R.C. 3345.40(B)(2), compensation for the automotive repair expenses shall be limited to \$250.00, plaintiff's stated insurance deductible.

{¶8} Plaintiff has suffered damages in the amount of \$250.00, 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 \$275.00, which includes the filing fee. Court costs are assessed against defendant.

DANIEL R. BORCHERT  
Deputy Clerk

Entry cc:

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9/1  
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