

[Cite as *Svoboda v. Cleveland Lakefront State Park*, 2005-Ohio-6282.]

IN THE COURT OF CLAIMS OF OHIO

RICHARD SVOBODA :
Plaintiff :
v. : CASE NO. 2005-08174-AD
CLEVELAND LAKEFRONT STATE PARK : MEMORANDUM DECISION
Defendant :

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FINDINGS OF FACT

{¶ 1} On July 7, 2005, plaintiff filed a complaint against defendant, Cleveland Lakefront State Park. Plaintiff alleges on June 23, 2005, at approximately 1:30 p.m., his vehicle was damaged when a truck operated by defendant's agent struck his vehicle. Plaintiff seeks reimbursement of automobile repairs he sustained in the amount of \$1,697.60 as the result of the negligence of defendant. Plaintiff submitted the filing fee with the complaint.

{¶ 2} On September 7, 2005, defendant submitted the investigation report. Defendant stated plaintiff's claim is subject to reimbursement under Ohio's motor vehicle liability self insurance program pursuant to R.C. 9.83. Defendant stated plaintiff has filed under this program and been assigned Claim No. 512815 with the Ohio Department of Administrative Services, Office of Risk Management. Consequently, defendant contends plaintiff's judgment should be limited to the reimbursement of the filing fee. Plaintiff has not filed a response to defendant's investigation report.

CONCLUSIONS OF LAW

{¶ 3} 1) R.C. 2743.16(B) in pertinent part states:

{¶ 4} "(B) If a person suffers . . . loss to . . . property from the operation of [a] truck . . . by an officer or employee of the state while engaged in the course of his employment or official responsibilities for the state, the person . . . shall attempt, prior to the commencement of an action based upon that . . . loss, to have the claim based upon that . . . loss compromised by the state or satisfied by the state liability insurance . . . If a person . . . attempts, pursuant to this division, to have a claim compromised by the state or satisfied by the state's liability insurance, and if the state determines not to compromise the claim, the state's liability insurance will not cover the claim, or the claim is in excess of the state's liability insurance coverage, then the state shall so notify the person . . . in writing. The notice shall be provided as soon as possible after the state determines not to compromise the claim or it is determined that the state's liability insurance will not cover either the claim or the entire claim."

{¶ 5} "2) The Department of Administrative Services, Office of Risk Management shall determine the validity of plaintiff's Claim No. 512815. Plaintiff may reopen this claim for vehicular damages if the Department of Administrative Services, Office of Risk Management does not reach a compromise satisfactory to plaintiff.

{¶ 6} "3) The filing fee may be reimbursed as compensable damages. *Bailey v. Ohio Department of Rehabilitation and Correction* (1990), 62 Ohio Misc. 2d 19.

IN THE COURT OF CLAIMS OF OHIO

RICHARD SVOBODA :
Plaintiff :

v. : CASE NO. 2005-08174-AD
CLEVELAND LAKEFRONT STATE PARK : ENTRY OF ADMINISTRATIVE
Defendant : DETERMINATION

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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 \$25.00. Court costs are assessed against defendant. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

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Plaintiff, Pro se

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DRB/laa
10/28
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