

[Cite as *Myers v. Highway Patrol*, 2004-Ohio-4593.]

IN THE COURT OF CLAIMS OF OHIO

WILLIAM E. MYERS	:	
Plaintiff	:	
v.	:	CASE NO. 2004-03896-AD
HIGHWAY PATROL	:	<u>MEMORANDUM DECISION</u>
Defendant	:	

.....

FINDINGS OF FACT

{¶1} On March 29, 2004, plaintiff, William E. Myers, filed a complaint against defendant, Ohio State Highway Patrol, alleging he suffered property damage to his automobile caused by a manhole that was left uncovered on Raff Road. Plaintiff suggested defendant should bear liability for automotive damages resulting from roadway defects on the state highway system.

{¶2} On April 30, 2004, defendant filed an investigation report. Defendant asserted it is not a proper party to the action instituted by plaintiff. Defendant’s investigation report shall be construed as a motion to dismiss.

CONCLUSIONS OF LAW

{¶3} R.C. 5503.02(A) states, in pertinent part:

{¶4} “The state highway patrol shall enforce the laws of the state relating to the titling, registration, and licensing of motor vehicles; enforce on all roads and highways \*\*\* the laws relating to the operation and use of vehicles on the highways; \*\*\* and regulate the movement of traffic on the roads and highways of the state . . .”

{¶5} Maintenance of the highway system is not a duty of defendant, State Highway Patrol.

{¶6} Consequently, defendant is not a proper party to this action. See *Collier v. Ohio State*

Case No. 2004-03896-AD

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MEMORANDUM DECISION

*Highway Patrol* (1999), 99-05489-AD.

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Plaintiff :  
v. : CASE NO. 2004-03896-AD  
HIGHWAY PATROL : ENTRY OF DISMISSAL  
Defendant :

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Having considered all the evidence in the claim file and, for the reasons set forth above, defendant's motion to dismiss is GRANTED. Plaintiff's case is DISMISSED. Court costs are assessed against plaintiff. The clerk shall serve upon all parties notice of this entry of dismissal and its date of entry upon the journal.

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DANIEL R. BORCHERT  
Deputy Clerk

Entry cc:

William E. Myers  
2616 Harmont Avenue N.E.  
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Plaintiff, Pro se

Colonel Paul D. McClellan  
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For Defendant

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