

[Cite as *Black v. Ohio Dept. of Transp.*, 2007-Ohio-4392.]

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

KARLITA E. BLACK

Plaintiff

v.

OHIO DEPT. OF TRANSPORTATION

Defendant

Case No. 2007-02203-AD

Deputy Clerk Daniel R. Borchert

ENTRY OF DISMISSAL

{¶1} On February 22, 2007, plaintiff filed a complaint against defendant, Department of Transportation. Plaintiff asserts on November 3, 2006, at approximately 11:00 a.m., she tripped and fell while “walking toward the entrance of the ODOT blg. to the Bureau of Motor Vehicles.” Plaintiff related an officer at the building’s entrance came out and assisted her. Plaintiff asserts she fell over a protruding edge of the concrete pavement. Plaintiff stated she received medical attention as the result of the fall and incurred medical bills in the amount of \$835.10. Plaintiff contends her injuries were caused by defendant’s negligent maintenance on their premises. The plaintiff submitted the filing fee with the complaint.

{¶2} On March 15, 2007, defendant filed a motion to dismiss. In support of the motion to dismiss, defendant stated in pertinent part:

{¶3} “Defendant ODOT moves to dismiss plaintiff’s complaint because plaintiff’s damage incident occurred proximate to the grounds and building maintained by BMV at 1970 West Broad Street, Defendant was able to locate a copy of the incident report for plaintiff’s incident. Said report states that the accident occurred *on the sidewalk toward the BMV entrance at 1970 W. Broad St.* *** (See Exhibit A). The situs of the accident is made more evident as ODOT does not have an officer in the building at this time of day nor have a nurse in the building.”

{¶4} Plaintiff has not responded to defendant’s motion to dismiss.

{¶5} The site of plaintiff’s slip and fall incident was not on the premise of defendant’s building. Accordingly, defendant was not the appropriate defendant to sue. Therefore, defendant’s motion to dismiss is GRANTED. Plaintiff’s case is DISMISSED without prejudice. The court shall absorb the court costs of this case.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

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Thomas P. Pannett, P.E.
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1980 West Broad Street

Case No. 2007-02203-AD	- 3 -	ENTRY
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Columbus, Ohio 43223

DRB/laa
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