

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

ANDREW HASLINGER

Case No. 2008-04315-AD

Plaintiff

Deputy Clerk Daniel R. Borchert

v.

ENTRY OF DISMISSAL

OHIO DEPARTMENT OF
TRANSPORTATION

Defendant

{¶ 1} On April 4, 2008, plaintiff, Andrew Haslinger, filed a complaint against defendant, Department of Transportation. Plaintiff alleges on December 26, 2007, at approximately 4:00 p.m., he was traveling on the Bethel Road exit going onto State Rt. 315 south when he struck a pothole. Plaintiff seeks damages in the amount of \$314.07. Plaintiff submitted the filing fee with his complaint.

{¶ 2} On May 2, 2008, defendant filed a motion to dismiss. In support of the motion to dismiss, defendant stated in pertinent part:

{¶ 3} “Defendant has performed an investigation of this site and Transportation Manager 2, Don Thomas, states that this area falls under the maintenance jurisdiction of the City of Columbus. The Ohio Department of Transportation does not maintain SR 315 until you get further north at Hard Road. Bethel Road falls under the maintenance of the City of Columbus. (See Attached Map) As such, this section of roadway is not within the maintenance jurisdiction of the defendant.”

{¶ 4} Plaintiff has not responded to defendant’s motion to dismiss. The site of the damage-causing incident was located in the City of Columbus.

{¶ 5} R.C. 55601.31 in pertinent part states:

{¶ 6} “Except in the case of maintaining, repairing, erecting traffic signs on, or pavement marking of state highways within villages, which is mandatory as required by

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section 5521.01 of the Revised Code, and except as provided in section 5501.49 of the Revised Code, no duty of constructing, reconstructing, widening, resurfacing, maintaining, or repairing state highways within municipal corporations, or the bridges and culverts thereon, shall attach to or rest upon the director . . .

{¶ 7} The site of the damage-causing incident was not the maintenance responsibility of defendant. Consequently, plaintiff's case is dismissed.

{¶ 8} 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. The court shall absorb the court costs of this case.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Andrew Haslinger
5672 Wigmore Drive
Columbus, Ohio 43235

Thomas P. Pannett
Department of Transportation
1980 West Broad Street
Columbus, Ohio 43223

DRB/laa
6/4
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