

[Cite as *Kilburn v. Ohio Dept. of Transp.*, 2016-Ohio-1107.]

DIANA KILBURN

Plaintiff

v.

OHIO DEPARTMENT OF
TRANSPORTATION

Defendant

Case No. 2015-00846-AD

Clerk Mark H. Reed

MEMORANDUM DECISION

{¶1} On September 28, 2015, Diana Kilburn (hereinafter “plaintiff”) filed a complaint in this Court against the Ohio Department of Transportation (hereinafter “ODOT”) to recover damages her vehicle received on March 21, 2015 as a result of striking a pothole on Interstate 71 North in Warren County, Ohio. Plaintiff states that her motor vehicle, a 2005 Cadillac CTS, received damage to an aluminum wheel in the amount of \$299.34.

{¶2} On December 11, 2015, ODOT filed an Investigation Report and a Motion to Dismiss the plaintiff’s claim. As grounds for this Motion, ODOT indicated that in its investigation, it discovered that the vehicle involved in the accident was not owned by the plaintiff but was instead titled in the name of an individual known as Sandra Wells. Plaintiff has not filed a response to this allegation of lack of ownership.

{¶3} Based on the evidence presented, it appears to the Court that the plaintiff was merely the driver and not the owner of the 2005 Cadillac that was apparently damaged on March 21, 2015 when it struck a pothole on I-71. Therefore, the plaintiff lacks legal standing to pursue a claim for reimbursement. The right to pursue reimbursement instead belongs to the owner of the vehicle, Sandra Wells.

{¶4} Therefore, the claim filed on March 21, 2015 is DISMISSED.

DIANA KILBURN

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ENTRY OF ADMINISTRATIVE
DETERMINATION

Defendant

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 defendant. Court costs are assessed against plaintiff.

MARK H. REED
Clerk

Entry cc:

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