

# 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

JAY C. SCHOOLCRAFT II

Case No. 2008-03581-AD

Plaintiff

Deputy Clerk Daniel R. Borchert

v.

## ENTRY OF DISMISSAL

OHIO DEPARTMENT OF  
TRANSPORTATION

Defendant

{¶ 1} On March 24, 2008, plaintiff, Jay C. Schoolcraft II, filed a complaint against defendant, Department of Transportation. Plaintiff alleges on February 6, 2008, at approximately 6:00 p.m., he was traveling northbound on State Rt. 57 just south of State Rt. 20, when he struck a pothole causing damage to his vehicle. Plaintiff seeks damages in the amount of \$417.24, for wheel, tire and alignment expenses incurred as the result of the alleged negligence on the part of defendant. Plaintiff submitted the \$25 filing fee and included that amount in his prayer for damages.

{¶ 2} On April 11, 2008, defendant filed a motion to dismiss. In support of the motion to dismiss, defendant stated in pertinent part:

{¶ 3} “SR 57 at US 20 falls under the maintenance jurisdiction of the City of Elyria. (See Exhibit A) This particular location is well within the corporation limits for the City of Elyria. 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 Elyria.

{¶ 5} R.C. 5501.31 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

section 5521.01 of the Revised Code, and except as provided in section 550.49 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.

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DANIEL R. BORCHERT  
Deputy Clerk

Entry cc:

Jay C. Schoolcraft  
37124 Bolton Drive  
North Ridgeville, Ohio 44039

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

DRB/laa  
6/4  
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