

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

VICTORIA TRIBBLE

Plaintiff

v.

OHIO DEPARTMENT OF PUBLIC SAFETY

Defendant

Case No. 2009-06460-AD

Deputy Clerk Daniel R. Borchert

ENTRY OF DISMISSAL

{¶ 1} On July 22, 2009, plaintiff, Victoria Tribble, filed a complaint against defendant, Ohio State Highway Patrol. Plaintiff alleges on January 9, 2009 between 10:30 a.m. and 11:00 a.m., she sustained personal injury tripping over a lift and falling into a puddle of water. Plaintiff contends defendant's agent's negligent parking caused her to exit the vehicle and sustain injury. Plaintiff contends she incurred medical expenses and work loss but did not supply any medical records or bill or a statement from her employer. She asserted the damages amounted to \$249.47.

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

{¶ 3} "As part of the investigation regarding Ms. Tribble's complaint, the Patrol requested medical invoices from the hospital and a record from the employer verifying the dates of absence (Please see attached, Defendant's letter to Plaintiff, Exhibit 1). The Patrol has requested this documentation from the Plaintiff to create a complete and thorough investigation report, but Plaintiff has failed to respond to this request. As of

the date of this Motion to Dismiss, Plaintiff has yet to respond to the Patrol's request for more information."

{¶ 4} In order to state a claim upon which relief can be granted, the plaintiff must assert that defendant owed her a duty, breached that duty and the breach of the duty proximately caused her injuries. *Armstrong v. Best Buy Company, Inc.*, 99 Ohio St. 3d 79, 2003-Ohio-2573. In other words, plaintiff must present sufficient evidence necessary to require defendant to proceed with the case.

{¶ 5} In the case at bar, plaintiff has failed to do so. She has presented no medical records or bills or presented the name of her employer and the time she allegedly lost from work. 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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DRB/laa
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