

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

SAMMIE JACKSON

Plaintiff

v.

OHIO DEPT. OF TRANSPORTATION, DISTRICT TWO

Defendant

Case No. 2009-09086-AD

Deputy Clerk Daniel R. Borchert

MEMORANDUM DECISION

FINDINGS OF FACT

{¶ 1} 1) Plaintiff, Sammie Jackson, filed a complaint against defendant, Department of Transportation (ODOT), alleging that he suffered paint damage to his 2002 Cadillac Escalade as a proximate cause of negligence on the part of ODOT in conducting roadway painting operations on the Holland Sylvania Road in Park Center Court in Lucas County. In his complaint plaintiff described the paint damage incident relating: “I was on my way to the doctor on Holland Sylvania Road at Park Center Court when I turn right into the court. I notice(d) the yellow line had been paint(ed).” Plaintiff later discovered yellow paint had adhered to his vehicle. Plaintiff recalled the incident occurred on November 5, 2009 at approximately 9:50 a.m. Plaintiff seeks damages in the amount of \$851.44, the estimated cost of removing paint from his vehicle. The filing fee was paid.

{¶ 2} 2) Defendant filed an investigation report requesting plaintiff’s claim be dismissed due to the fact the Lucas County Road Maintenance Department and not ODOT bears the maintenance responsibility for Holland Sylvania Road and Park Center

Court where plaintiff's incident occurred. Defendant advised ODOT "maintains Central Avenue which is south of this intersection." Defendant stated, "[i]n sum, the Lucas County Road Maintenance Department is responsible for the maintenance of the roadway upon which plaintiff's incident occurred (and) (a)s such, the Lucas County Road Maintenance Department is the proper party to plaintiff's claim." The site of the damage incident was not on a roadway area maintained by ODOT.

{¶ 3} 3) Plaintiff did not respond.

CONCLUSIONS OF LAW

{¶ 4} Ohio Revised Code Section 5501.31 in pertinent part states:

{¶ 5} "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 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 . . ."

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

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ENTRY OF ADMINISTRATIVE DETERMINATION

Having considered all the evidence in the claim file and, for the reasons set forth in above, plaintiff's case is DISMISSED. The court shall absorb the court costs of this case.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Sammie Jackson
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Jolene M. Molitoris, Director
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RDK/laa
4/21
Filed 4/28/10
Sent to S.C. reporter 8/26/10