

[Cite as *Slivnyak v. Ohio Dept. of Transp.*, 2003-Ohio-3130.]

IN THE COURT OF CLAIMS OF OHIO

YANA SLIVNYAK	:	
Plaintiff	:	
v.	:	CASE NO. 2003-03183-AD
OHIO DEPARTMENT OF TRANSPORTATION	:	<u>ENTRY OF DISMISSAL</u>
Defendant	:	
	:	
	:	

{¶1} THE COURT FINDS THAT:

{¶2} 1) On March 7, 2003, plaintiff, Yana Slivnyak, filed a complaint against defendant, Department of Transportation. Plaintiff alleges on January 18, 2003, her car sustained damage which required replacement of two tires and a wheel alignment. The damaged occurred as the result of striking a pothole while traveling on East Broad Street at Weyant and Waverly Streets in Columbus, Ohio. Plaintiff asserted she sustained damages in the amount of \$294.52. Plaintiff submitted the filing fee with the complaint;

{¶3} 2) On March 21, 2003, defendant filed a motion to dismiss;

{¶4} 3) In support of the motion to dismiss, defendant stated in pertinent part: "Defendant asserts it is not responsible for the maintenance of the roadway where the alleged hole was located, since Weyant and Waverly Streets fall under the maintenance jurisdiction of the City of Bexley . . . As such, this section of roadway is not within the maintenance jurisdiction of the defendant . . .";

{¶5} 4) Plaintiff did not respond to defendant's motion to dismiss.

{¶6} THE COURT CONCLUDES THAT:

{¶7} 1) R.C. 5501.31 in pertinent part states:

“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 . . .”;

{¶8} 2) The roadway where plaintiff’s incident occurred was not within the maintenance responsibility of defendant.

{¶9} IT IS ORDERED THAT:

{¶10} 1) Defendant’s motion to dismiss is GRANTED;

{¶11} 2) Plaintiff’s case is DISMISSED;

{¶12} 3) The court shall absorb the court costs of this case in excess of the filing fee.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

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ENTRY

Sent to S.C. reporter 6/17/03