

[Cite as *Wilcox v. Ohio Dept. of Transp.*, 2003-Ohio-7307.]

IN THE COURT OF CLAIMS OF OHIO

ALAN WILCOX	:	
Plaintiff	:	
v.	:	CASE NO. 2003-10457-AD
DEPARTMENT OF TRANSPORTATION	:	<u>ENTRY OF DISMISSAL</u>
Defendant	:	

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{¶1} On October 9, 2003, plaintiff filed a complaint against defendant, Department of Transportation. Plaintiff alleges on April 19, 2001, while traveling north on State Route 11, approaching the first overpass after the Calcutta exit, he struck a piece of cement lying in the traveled portion of the roadway. As the result of striking this roadway debris he sustained automotive damages in the amount of \$1,495.39. He asserts defendant should be responsible for this expense. Plaintiff submitted the filing fee with the complaint.

{¶2} On November 3, 2003, defendant filed a motion to dismiss based on the statute of limitations. R.C. 2743.11(A) states: "Subject to division (B) of this section, civil actions against the state permitted by sections 2743.01 to 2743.20 of the Revised Code shall be commenced no later than two years after the date of the accrual of the cause of action or within any shorter period that is applicable to similar suits between private parties." Plaintiff filed the complaint over two years after the accrual of the cause of action.

{¶3} Having considered all the evidence in the claim file, and, for the reasons set forth above, defendant's motion to dismiss is GRANTED and plaintiff's case is dismissed. Court costs shall be absorbed by the court. The clerk shall serve upon all parties notice of this entry of dismissal and its date of entry upon the journal.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

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Plaintiff, Pro se

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For Defendant

DRB/laa
12/10
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