

[Cite as *Ranson v. Ohio Dept. of Transp.*, 2005-Ohio-3648.]

IN THE COURT OF CLAIMS OF OHIO

ABBI RANSON	:	
Plaintiff	:	
v.	:	CASE NO. 2005-05515-AD
OHIO DEPT. OF TRANSPORTATION	:	<u>ENTRY OF DISMISSAL</u>
Defendant	:	

: : : : : : : : : : : : : : : :

{¶ 1} On April 18, 2005, plaintiff filed a complaint against defendant, Department of Transportation. Plaintiff alleges on April 2, 2005 at approximately 3:30 p.m., she was traveling westbound on Interstate 275 approaching mile marker 2/4 when she struck a pothole in the traveled portion of the roadway. As a result of striking this pothole two tires on her vehicle had to be replaced. Plaintiff seeks damages in the amount of \$393.59 which also includes reimbursement of the \$25.00 filing fee which she submitted with the complaint.

{¶ 2} On May 27, 2005, defendant filed a motion to dismiss. In support of the motion to dismiss, defendant stated in pertinent part:

{¶ 3} "Defendant has performed an investigation of this site and this section of I-275, at milemarker 2/4, and it falls under the maintenance jurisdiction of the State of Kentucky (See Attached Map). Plaintiff was contacted for a better location and she stated that the incident occurred close to the Greater Cincinnati Airport, which is in Kentucky. The attached photo shows the same sign that plaintiff saw in the westbound direction but this is still in

Kentucky. 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 plaintiff's incident was within the state of Kentucky not the state of Ohio. Consequently, the site of the damage-causing incident was not the maintenance responsibility of defendant and, accordingly, plaintiff's case is dismissed.

{¶ 5} 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. 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:

Abbi Ranson
1604 Lawton Avenue
Columbus, Indiana 47201

Plaintiff, Pro se

Thomas P. Pannett, P.E.
Assistant Legal Counsel
Department of Transportation
1980 West Broad Street
Columbus, Ohio 43223

For Defendant

DRB/laa
6/16
Filed 6/24/05
Sent to S.C. reporter 7/20/05