

[Cite as *Kallman v. Ohio Dept. of Transp.*, 2005-Ohio-3650.]

IN THE COURT OF CLAIMS OF OHIO

LISA KALLMAN	:	
Plaintiff	:	
v.	:	CASE NO. 2005-05566-AD
OHIO DEPT. OF TRANSPORTATION	:	<u>ENTRY OF DISMISSAL</u>
Defendant	:	

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{¶ 1} On April 18, 2005, plaintiff filed a complaint against defendant, Department of Transportation. Plaintiff alleges on January 4, 2005, she struck a pothole "while entering the Norwood Lateral (Rt. 56) from the Ridge Road entry." As the result of striking this pothole she damaged two tires on her vehicle and seeks damages in the amount of \$147.94 which includes the filing fee which she submitted on May 11, 2005.

{¶ 2} On May 20, 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 Norwood Lateral is also known as SR 562 at Ridge Road and it falls under the maintenance jurisdiction of the City of Cincinnati (See Attached Maps). 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 city limits of Cincinnati.

{¶ 5} R.C. 5501.31, in pertinent part states:

{¶ 6} "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 . . ."

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

{¶ 8} 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:

Lisa Kallman
2541 Orland Avenue
Cincinnati, Ohio 45211

Plaintiff, Pro se

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

For Defendant

Case No. 2005-05566-AD

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ENTRY

Columbus, Ohio 43223

DRB/laa

6/20

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