

# Court of Claims of Ohio

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SUSIE HARRIS

Plaintiff

v.

OHIO DEPARTMENT OF  
TRANSPORTATION

Defendant

Case No. 2005-05841

Judge J. Craig Wright

ENTRY GRANTING DEFENDANT'S  
MOTION FOR SUMMARY  
JUDGMENT

{¶ 1} On July 24, 2006, defendant filed a motion for summary judgment pursuant to Civ.R. 56 and a motion for leave to supplement that motion with the signed affidavit of David Olson (a.k.a Brian P. Olson). On August 2, 2006, defendant filed the affidavit of Brian P. Olson. Defendant's motion for leave is GRANTED, instanter. Plaintiff has not opposed the motion for summary judgment.

{¶ 2} An oral hearing was held on August 25, 2006. As a result of the hearing, the court ORDERS the following.

{¶ 3} Upon review of the motion for summary judgment and the evidentiary materials submitted therewith, and construing the evidence in favor of plaintiff, the court finds that the only reasonable conclusions to be drawn from the evidence is that defendant owed no duty to plaintiff with respect to the maintenance of the culvert in question. Consequently, defendant is entitled to judgment as a matter of law and the motion for summary judgment is hereby GRANTED. Court costs are assessed against plaintiff. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

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J. CRAIG WRIGHT  
Judge

[Cite as *Harris v. Ohio Dept. of Transp.*, 2006-Ohio-5666.]

cc:

Carlos Warner Fred A. Stevens 75 Public Square, #1450 Cleveland, Ohio 44113-2001  Michael J. Valentine 65 East State Street, 4th Floor Columbus, Ohio 43215		Attorneys for Plaintiff
John P. Reichley Deputy Attorney General Velda K. Hofacker Carr Assistant Attorneys General 150 East Gay Street, 23rd Floor Columbus, Ohio 43215-3130  LP/cmd		Attorneys for Defendant

Filed September 14, 2006

To S.C. reporter October 27, 2006