

Court of Claims of Ohio

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614.387.9800 or 1.800.824.8263
www.cco.state.oh.us

MATTHEW STIEG

Plaintiff

v.

Case No. 2006-04555-AD
Deputy Clerk Daniel R. Borchert

ENTRY OF DISMISSAL

OHIO DEPT. OF TRANSPORTATION

Defendant

{¶ 1} On July 13, 2006, plaintiff, Matthew Steig, filed a complaint against defendant, Ohio Department of Transportation (“ODOT”), alleging he sustained property damage to his vehicle while traveling westbound on I-70 to northbound I-71, when a light fixture fell and shattered in front of his car. Additionally, something else fell from the light and put a small dent in the hood and broke the windshield. He claims to have incurred automotive repair costs in the amount of \$776.69 and seeks reimbursement of these costs from defendant. Plaintiff submitted the filing fee with the complaint.

{¶ 2} On August 4, 2006, defendant filed a motion to dismiss. Defendant asserted plaintiff’s claim should be dismissed because ODOT is not the proper defendant in this case. In support of the motion to dismiss, defendant in pertinent part stated: “Defendant performed an investigation of this site and this section of I-70 and I-71 split falls under the maintenance jurisdiction of the City of Columbus (See Attached Map).” Defendant included a work order from the City of Columbus and a map to prove the lack of maintenance jurisdiction over the area of the incident. The site of plaintiff’s incident was within the maintenance jurisdiction of the City of Columbus.

[Cite as *Steig v. Ohio Dept. of Transp.*, 2006-Ohio-7312.]

{¶ 3} Ohio Revised Code Section 5501.31 in pertinent part states:

{¶ 4} “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 . . .” The site of the damage-causing incident was not the maintenance responsibility of the defendant. Consequently, 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. Plaintiffs’ 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

cc:

Matthew Stieg
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Plaintiff, Pro se

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Sent to S.C. reporter 7/18/07

For Defendant