

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

CAROLYN SUE TAYLOR

Plaintiff

v.

OHIO DEPT. OF TRANSPORTATION

Defendant

Case No. 2007-01860-AD

Deputy Clerk Daniel R. Borchert

ENTRY OF DISMISSAL

{¶1} On February 1, 2007, plaintiff, Carolyn Sue Taylor, filed a complaint against defendant, Department of Transportation. Plaintiff alleges on January 6, 2005, at approximately 8:45 p.m. while traveling on I-270 and exiting at the eastbound I-70 ramp she struck a pothole causing damage to her vehicle. Plaintiff seeks damages in the amount of \$142.85, for automotive repair and related expenses as the result of defendant's negligence in maintaining the roadway. The filing fee was waived in this matter.

{¶2} On March 1, 2007, defendant filed a motion to dismiss. In support of the motion to dismiss, defendant stated in pertinent part:

{¶3} "On February 1, 2007, Plaintiff Carolyn Sue Taylor filed a complaint with the Court of Claims of Ohio seeking reimbursement of repair costs from defendant.

{¶4} "Defendant asserts that plaintiff has failed to file their complaint in a timely manner.

{¶5} "In sum, R.C. 2743.16(A) required Plaintiff Carolyn Sue Taylor to file her complaint within two years of the January 6, 2005 incident. Plaintiff Carolyn Sue Taylor did not file her complaint with the Court of Claims until February 1, 2007, and therefore failed to timely state a claim upon which relief can be granted."

{¶6} Plaintiff has not responded to defendant's motion to dismiss.

{¶7} R.C. 2743.16(A) in pertinent part states:

{¶8} "Subject to division (B) of this section, civil actions against the state . . . shall be commenced *no later than two years after the date of accrual of the cause of action* or within any shorter period that is applicable to similar suits between private parties." (Emphasis added.)

{¶9} Plaintiff did not timely file her complaint against defendant and accordingly, her claim is dismissed pursuant to R.C. 2743.16(A).

{¶10} 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

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Entry cc:

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DRB/laa
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