

[Cite as *Smith v. Ohio Dept. of Transp.*, 2007-Ohio-950.]

# Court of Claims of Ohio

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DENNIS F. SMITH, JR., et al.

Plaintiffs

v.

OHIO DEPARTMENT OF  
TRANSPORTATION, et al.

Defendants

Case No. 2005-01447

Judge J. Craig Wright

JUDGMENT ENTRY

{¶1} On March 20, 2006, defendant, the Ohio Department of Transportation, filed a document wherein it stipulated that it was liable for the injuries that plaintiffs, Dennis Smith and Cathy Smith, sustained as a result of a February 23, 2003, motor vehicle collision.<sup>1</sup> On December 8, 2006, the case proceeded to trial to determine the nature and extent of the damages directly and proximately caused by defendant's negligence.

{¶2} Plaintiff testified that he sustained injuries to both of his knees as a result of a motor vehicle accident. Plaintiff was initially prescribed pain medication and was also instructed to use ice to treat his injuries. Although the injury to plaintiff's left knee resolved in a relatively short period of time, the pain in his right knee persisted. Plaintiff was subsequently referred to an orthopedic surgeon who performed surgery on plaintiff's right knee. Plaintiff testified that his condition has improved, however, he continues to experience occasional knee pain that becomes more severe with increased activity.

{¶3} Based upon plaintiff's testimony and the information contained in the medical records, damages shall be awarded in favor of plaintiffs as follows:

{¶4} 1) Plaintiff, Dennis Smith, is awarded damages in the amount of \$25,000 which include, but are not limited to, past and future pain and suffering, physical impairment and interference with plaintiff's ability to perform usual activities.

{¶5} 2) Plaintiff, Cathy Smith, is awarded \$3,000 for her loss of spousal consortium.

{¶6} Accordingly, judgment is rendered in favor of plaintiffs in the amount of \$28,025, which includes the \$25 filing fee. Court costs are assessed against the Ohio Department of Transportation. 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

cc:

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<sup>1</sup> Cathy Smith asserts a claim for loss of consortium. For the purposes of this decision, "plaintiff" shall refer to Dennis F. Smith, Jr.

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Filed January 18, 2007  
To S.C. reporter March 6, 2007