

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

ROBERT M. MORROW

Plaintiff

v.

OHIO DEPARTMENT OF
TRANSPORTATION

Defendant

Case No. 2007-08511-AD

Deputy Clerk Daniel R. Borchert

ENTRY OF DISMISSAL

{¶1} On November 5, 2007, plaintiff, Robert M. Morrow, filed a complaint against defendant, Department of Transportation. Plaintiff alleges on September 23, 2007, between approximately 2:05 and 2:10 p.m., he was driving north on Akron-Peninsula Road between Northhampton and Westmore Road when his vehicle was damaged by a loosened road reflector. Plaintiff seeks damages in the amount of \$470.30 for automotive repair. Plaintiff submitted the filing fee with the complaint. Plaintiff asserts his damage was caused by negligence on the part of defendant in the maintenance of the roadway.

{¶2} On December 20, 2007, defendant filed a motion to dismiss. In support of the motion to dismiss, defendant stated in pertinent part:

{¶3} “As captioned in this claim, Plaintiff is seeking reimbursement of repair costs from Defendant ODOT, but ODOT does not maintain the roads at the Cuyahoga Valley National Park. Plaintiff obtained a report from the National Park Service on Vaughn Road in Brecksville. The attached map shows Vaughn Road within the Cuyahoga Valley National Park.

{¶4} “Defendant ODOT moves to dismiss plaintiff’s complaint because plaintiff’s damage incident occurred on Akron-Peninsula Road which is not known as a state route and is within the Cuyahoga Valley National Park.”

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{¶15} Plaintiff has not responded to defendant's motion to dismiss. The site of the incident was not within the maintenance jurisdiction of the defendant.

{¶16} Defendant is not responsible for the maintenance of roadways inside a National Park. Consequently, plaintiff's case is dismissed.

{¶17} 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.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Robert M. Morrow
4904 Timber Creek Drive
Medina, Ohio 44256

Thomas P. Pannett
Department of Transportation
1980 West Broad Street
Columbus, Ohio 43223

DRB/laa
1/16
Filed 2/14/08

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