



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

CHERYL JOAN SHIROKEY

Plaintiff

v.

CLEVELAND STATE UNIVERSITY

Defendant

Case No. 2010-01361-AD

Deputy Clerk Daniel R. Borchert

MEMORANDUM DECISION

{¶ 1} Plaintiff, Cheryl Joan Shirokey, filed this action against defendant, Cleveland State University (CSU), contending her 1994 Ford Escort was improperly towed from a CSU parking lot and impounded at the direction of CSU personnel. Plaintiff also contended her car was damaged during the towing process and she was fined for displaying a counterfeit parking pass. Plaintiff recalled all described incidents occurred on January 14, 2008, a Monday. On January 19, 2010, plaintiff filed this complaint seeking to recover damages in the amount of \$634.00 for expenses she incurred related to the towing and impoundment of her vehicle as well as automotive repair expenses and fines paid. The filing fee was paid.

{¶ 2} Defendant filed an investigation report asserting that plaintiff's claim is time barred by the two-year statute of limitations in the Court of Claims as addressed in R.C. 2743.16. Defendant pointed out plaintiff's cause of action related accrued on January 14, 2008 and she did not file her complaint with this court until January 19, 2010, more than two years after her cause of action accrued.

{¶ 3} Plaintiff filed a response. Plaintiff did not address the issue that her claim is time barred.

{¶ 4} R.C. 2743.16(A) states:

{¶ 5} “(A) Subject to division (B) of this section, civil actions against the state permitted by sections 2743.01 to 2743.20 of the Revised Code 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.”

{¶ 6} Plaintiff’s cause of action accrued on January 14, 2008 and she had until Thursday, January 14, 2010 to commence an action in this court or face dismissal of her claim based on the two-year statute of limitations provided in R.C. 2743.16. Plaintiff filed her claim on January 19, 2010 and consequently, her action is time barred.



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

CHERYL JOAN SHIROKEY

Plaintiff

v.

CLEVELAND STATE UNIVERSITY

Defendant

Case No. 2010-01361-AD

Deputy Clerk Daniel R. Borchert

ENTRY OF ADMINISTRATIVE DETERMINATION

Having considered all the evidence in the claim file and, for the reasons set forth in the memorandum decision filed concurrently herewith, plaintiff's claim is DISMISSED with prejudice. Court costs are assessed against plaintiff.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Cheryl Joan Shirokey
3826 W. 133rd Street
Cleveland, Ohio 44111

Sonali B. Wilson
Cleveland State University
2121 Euclid Avenue AC 327
Cleveland, Ohio 44115

RDK/laa
3/11
Filed 3/30/10
Sent to S.C. reporter 8/6/10