

Court of Claims of Ohio

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
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KRISTINA MCLAUGHLIN

Plaintiff

v.

OHIO DEPARTMENT OF TRANSPORTATION

Defendant

Case No. 2010-11293-AD

Deputy Clerk Daniel R. Borchert

ENTRY OF DISMISSAL

{¶ 1} On October 18, 2010, plaintiff, Kristina McLaughlin, filed a complaint against defendant, Department of Transportation. On December 9, 2010, defendant filed a motion to dismiss. In support of the motion to dismiss, defendant stated in pertinent part:

{¶ 2} “Upon investigation, it was discovered that Columbia Gas personnel were repairing a gas line on SR 344 at the time of plaintiff’s incident. Plaintiff submitted OSHP Accident Report #15-0781-15 and Trooper Sattler put in his report that *Workers from a private company that responded to repair the pothole stated that the pothole was the responsibility of Columbia Gas because of the work they had recently done* (See Exhibit A). The location that plaintiff’s incident happened is at milepost 7.97 on SR 344. A six-month maintenance history for pothole repair shows that ODOT had **not** been working in this area in September 2010 (See Exhibit A). As such, this section of roadway is not within the maintenance jurisdiction of the defendant.”

{¶ 3} Plaintiff has not responded to defendant’s motion to dismiss.

{¶ 4} Upon review, it appears Columbia Gas was the responsible party for the damage-causing incident since they agreed that the damage was caused by their negligence. Accordingly, defendant's motion to dismiss is GRANTED, since defendant had no maintenance responsibility with respect to this incident. Plaintiff's case is DISMISSED. The court shall absorb the court costs of this case in excess of the filing fee.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

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DRB/laa
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