

[Cite as *Robinson v. Ohio Dept. of Transp.*, 2015-Ohio-4897.]

KENNETH ROBINSON

Plaintiff

v.

OHIO DEPARTMENT OF  
TRANSPORTATION

Defendant

Case No. 2015-00220-AD

Clerk Mark H. Reed

MEMORANDUM DECISION

{¶1} Plaintiff Kenneth Robinson filed this claim on March 18, 2015 to recover damages which occurred when his vehicle struck a pothole while traveling on State Highway 44 in Ravenna, Portage County Ohio. This road is a public road not maintained by the Ohio Department of Transportation. Plaintiff's vehicle sustained damages in the amount of \$310.00. Plaintiff maintains a collision insurance deductible of \$500.00.

{¶2} In order to recover on a claim for roadway damages against the Ohio Department of Transportation, Ohio law requires that a motorist/plaintiff prove all of the following:

{¶3} That the plaintiff's motor vehicle received damages as a result of coming into contact with a dangerous condition on a road maintained by the defendant.

{¶4} That the defendant knew or should have known about the dangerous road condition.

{¶5} That the defendant, armed with this knowledge, failed to repair or remedy the dangerous condition in a reasonable time.

{¶6} In this claim, the court finds that the plaintiff did prove that his vehicle incurred damages as a result of a dangerous highway condition. However, as the Investigation Report filed June 5, 2015 makes clear, this road is not a road maintained

by the defendant, it is instead a road that is maintained by the Portage County Engineer.

{¶7} Since the defendant had no responsibility to maintain this road, they cannot be held liable for plaintiff's losses.

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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, judgment is rendered in favor of defendant. Court costs are assessed against plaintiff.

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MARK H. REED  
Clerk

Entry cc:

Kenneth Robinson  
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Ohio Department Of Transportation  
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Case No. 2015-00220-AD

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MEMORANDUM DECISION

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