

[Cite as *Norris v. Ohio Dept. of Transp.*, 2015-Ohio-4938.]

KENZIE NORRIS

Plaintiff

v.

OHIO DEPARTMENT OF
TRANSPORTATION

Defendant

Case No. 2015-00217-AD

Clerk Mark H. Reed

MEMORANDUM DECISION

{¶1} On March 17, 2015, Kenzie Norris (hereinafter “plaintiff”) filed a complaint in this Court against the Ohio Department of Transportation (hereinafter “ODOT”) alleging that on February 6, 2015, while she was traveling on Interstate 70 East in Muskingum County her motor vehicle was damaged by ODOT work crews. Specifically she claims that as she passed the ODOT workers, who were trimming trees along the side of the roadway, a tree fell and hit her car, breaking her passenger side mirror and scratching the vehicle body. As a result, plaintiff’s vehicle sustained damages in the amount of \$1,871.00. Plaintiff maintains a collision insurance deductible of \$100.00.

{¶2} In this case the Court is presented with a relatively straightforward case of clear causation and liability. As the negligent party, ODOT is responsible for the damages to plaintiff’s vehicle. The only issue to be determined then is what is the amount of damages to be assessed ODOT for the negligent actions of its employees on February 6, 2015.

{¶3} Plaintiff’s claimed repair costs were \$1,871.01 and her insurance deductible is \$100.00. Ohio law requires recoveries against the state to be reduced by any available insurance. Plaintiff’s recovery is therefore limited to \$100.00 plus the \$25.00 filing fee, which may be reimbursed as compensable damages pursuant to the holding in *Bailey v. Ohio Department of Rehabilitation and Correction*, 62 Ohio Misc 2d 19, 587 N.E. 2d 990 (Ct. of Cl. 1990).

IN THE COURT OF CLAIMS OF OHIO

KENZIE NORRIS

Plaintiff

v.

OHIO DEPARTMENT OF
TRANSPORTATION

Defendant

Case No. 2015-00217-AD

Clerk Mark H. Reed

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 plaintiff in the amount of \$125.00, which includes the filing fee. Court costs are assessed against defendant.

MARK H. REED
Clerk

Entry cc:

Kenzie Norris
1309 Pfeifer Drive
Zanesville, Ohio 43701

Jerry Wray, Director
Ohio Department Of Transportation
1980 West Broad Street
Mail Stop 1500
Columbus, Ohio 43223