

[Cite as *Buxbaum v. Ohio Dept. of Transp.*, 2015-Ohio-5606.]

NICHOLAS BUXBAUM

Plaintiff

v.

OHIO DEPARTMENT OF
TRANSPORTATION

Defendant

Case No. 2015-00630-AD

Clerk Mark H. Reed

MEMORANDUM DECISION

{¶1} Plaintiff Nicholas Buxbaum (hereinafter “plaintiff”) filed this claim on July 6, 2015 to recover damages which occurred when his 2003 Hyundai Tiburon struck water in the roadway while traveling on US 23 in South Bloomfield in Pickaway County, Ohio. This road is a public road not maintained by the Ohio Department of Transportation (hereinafter “ODOT”). Plaintiff’s vehicle sustained damages in the amount of \$1,780.00. Plaintiff maintains a collision insurance deductible of \$1,000.00.

{¶2} In order to recover on a claim for roadway damages against ODOT, 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 ODOT.

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

{¶5} That ODOT, 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 September 18, 2015 makes clear, this road is not a road maintained by ODOT, it is instead a road that is maintained by the Village of South Bloomfield.

{¶7} Since ODOT 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 the defendant. Court costs are assessed against plaintiff.

MARK H. REED
Clerk

Case No. 2015-00630-AD

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MEMORANDUM DECISION

Entry cc:

Nicholas Buxbaum
20360 Winstead Road
Stoutsville, Ohio 43154

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

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