

[Cite as *Opliger v. Ohio Dept. of Transp.*, 2016-Ohio-1344.]

IN THE COURT OF CLAIMS OF OHIO

JEAN OPLIGER

Plaintiff

v.

OHIO DEPARTMENT OF
TRANSPORTATION

Defendant

Case No. 2015-00893-AD

Clerk Mark H. Reed

MEMORANDUM DECISION

{¶1} Plaintiff Jean Opliger (hereinafter “plaintiff”) filed this claim on October 19, 2015 to recover damages which occurred when her 2013 Audi struck a pothole on September 15, 2015 while traveling on 70 West in Guernsey County, Ohio. This road is a public road maintained by the Ohio Department of Transportation (hereinafter “ODOT”). Plaintiff’s vehicle sustained damages in the amount of \$952.08. Plaintiff maintains a collision insurance deductible of \$250.00.

{¶2} The evidence in this case reveals that the area where plaintiff had her accident was a construction zone. ODOT had contracted with Shelly & Sands, Inc. to do certain construction work on this section of IR 70 in Guernsey County.

{¶3} In the Investigation Report filed December 23, 2015, ODOT indicates that the incident involving plaintiff’s vehicle occurred between mile marker 12.45 and 11.9 on IR 70 in Guernsey County. The agency reiterates that this area was part of an ongoing construction project being undertaken by the Shelly & Sands Company. The agency maintained that it was not aware of any pothole in the construction area immediately prior to plaintiff’s accident. In addition, Shelly & Sands, Inc. paid Jean Opliger \$952.08

for the incident, which would appear to fully compensate plaintiff for her losses in this matter.

{¶4} As it appears that plaintiff's claim for damages have been satisfied from a collateral source, her claim against ODOT will be DISMISSED.

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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 shall be absorbed by the Court.

MARK H. REED
Clerk

Entry cc:

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