

Court of Claims of Ohio

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614.387.9800 or 1.800.824.8263
www.cco.state.oh.us

STELLA PARIKAKIS

Plaintiff

v.

OHIO DEPARTMENT OF TRANSPORTATION

Defendant

Case No. 2010-05021-AD

Deputy Clerk Daniel R. Borchert

MEMORANDUM DECISION

FINDINGS OF FACT

{¶ 1} 1) Plaintiff, Stella Parikakis, filed a complaint against defendant, Department of Transportation (ODOT), alleging that she suffered tire, wheel, and headlight damage to her car as a proximate cause of negligence on the part of ODOT in maintaining a hazardous roadway condition on State Route 7. Plaintiff apparently was traveling south on State Route 7 in Jefferson County when her automobile struck a pothole causing the damage claimed. Plaintiff recalled the incident occurred on March 28, 2010 at approximately 7:45 p.m. Plaintiff seeks damages in the amount of \$631.57, the cost of replacement parts. The filing fee was paid.

{¶ 2} 2) Defendant filed an investigation report requesting plaintiff's claim be dismissed due to the fact the City of Steubenville and not ODOT bears the maintenance responsibility for the section of State Route 7 where plaintiff's incident occurred. In support of the request to dismiss, ODOT stated, "the location of Plaintiff's incident would be within the municipal boundary of the City of Steubenville." Defendant explained

ODOT called plaintiff to ascertain a specific location of the damage-causing pothole and she advised, “that she was south of the Lincoln Avenue Exit,” a section of roadway under the maintenance responsibility of the City of Steubenville. Defendant related, “[a]s such, this section of roadway is not within the maintenance jurisdiction of defendant.” The site of the damage-causing incident was located in the City of Steubenville.

CONCLUSIONS OF LAW

{¶ 3} Ohio Revised Code Section 5501.31 in pertinent part states:

{¶ 4} “Except in the case of maintaining, repairing, erecting traffic signs on, or pavement marking of state highways within villages, which is mandatory as required by section 5521.01 of the Revised Code, and except as provided in section 5501.49 of the Revised Code, no duty of constructing, reconstructing, widening, resurfacing, maintaining, or repairing state highways within municipal corporations, or the bridges and culverts thereon, shall attach to or rest upon the director . . .”

{¶ 5} The site of the damage-causing incident was not the maintenance jurisdiction of defendant. Consequently, plaintiff’s case is dismissed.

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MEMORANDUM DECISION

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MEMORANDUM DECISION

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ENTRY OF ADMINISTRATIVE DETERMINATION

Having considered all the evidence in the claim file and, for the reasons set forth above, plaintiff's case is DISMISSED. The court shall absorb the court costs of this

case.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Stella Parikakis
1313 Walker Road
Follansbee, West Virginia 26037

Jolene M. Molitoris, Director
Department of Transportation
1980 West Broad Street
Columbus, Ohio 43223

RDK/laa
8/19
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