

IN THE COURT OF CLAIMS OF OHIO

KIMBERLY SUE RASSI

Plaintiff

v.

OHIO DEPARTMENT OF
TRANSPORTATION

Defendant

Case No. 2023-00237AD

Deputy Clerk Holly True Shaver

MEMORANDUM DECISION

{¶1} Kimberly Sue Rassi (“plaintiff”) filed this claim against the Ohio Department of Transportation (“ODOT”), to recover damages which occurred when plaintiff’s 2017 Mini Cooper struck a pothole on March 23, 2023, while traveling on Route 237 in the City of Cleveland, Ohio. This road is not a public road maintained by ODOT. Plaintiff’s vehicle sustained damages in the amount of \$377.55. Plaintiff submitted the \$25.00 filing fee.

{¶2} Defendant filed an investigation report requesting plaintiff’s claim be dismissed because the City of Cleveland and not ODOT bears the maintenance responsibility for the section of the road where plaintiff’s incident occurred. In support of its request to dismiss, defendant submitted documentation showing that the area of incident is located within the maintenance jurisdiction of City of Cleveland.

{¶3} Plaintiff did not respond to defendant’s investigation report.

{¶4} R.C. 5501.31 in pertinent part states:

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 culverts thereon, shall attach to or rest upon the director [of transportation] * * *.

{¶5} Since ODOT had no responsibility to maintain this road, it cannot be held liable for plaintiff's losses. Therefore, plaintiff's claim must fail.

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ENTRY OF ADMINISTRATIVE
DETERMINATION

{¶6} 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 shall be absorbed by the court in excess of the filing fee.

HOLLY TRUE SHAVER
Deputy Clerk