

[Cite as *Culver v. Ohio State Highway Patrol*, 2002-Ohio-6208.]

IN THE COURT OF CLAIMS OF OHIO

URSULA CULVER :
619 Central Ave., Apt. #402 :
Cincinnati, Ohio 45202 : Case No. 2002-07185-AD

Plaintiff : MEMORANDUM DECISION

v. :

OHIO STATE HIGHWAY PATROL :

Defendant :

: : : : : : : : : : : : : : :

For Defendant: Colonel Kenneth L. Morckel, Superintendent
Ohio State Highway Patrol
P.O. Box 182074
Columbus, Ohio 43218-2074

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FINDINGS OF FACT

{¶1} 1) At sometime before June 27, 2002, plaintiff, Ursula Culver, was traveling north on Interstate 75 in Hamilton County when her automobile struck a "big piece of rubber from a semi-truck." Plaintiff indicated the impact with the piece of rubber caused an oil leak from her automobile.

{¶2} 2) Plaintiff subsequently filed this complaint seeking to recover \$1,113.94, the cost of automotive repair plaintiff claims she incurred as a result of her car striking the piece of rubber on the roadway. Plaintiff also seeks filing fee reimbursement.

{¶3} 3) In her complaint, plaintiff named the Ohio State Highway Patrol as defendant.

CONCLUSIONS OF LAW

{¶4} 1) The Ohio State Highway Patrol has neither a statutory duty nor any other legal duty to maintain state roadways for the safety of the motoring public. The Ohio State Highway Patrol is not a proper defendant in plaintiff's action.

{¶5} Having considered all the evidence in the claim file and adopting the memorandum decision concurrently herewith;

{¶6} IT IS ORDERED THAT:

{¶7} 1) Plaintiff's claim is DISMISSED;

{¶8} 2) The court shall absorb the court costs of this case in excess of the filing fee.

DANIEL R. BORCHERT
Deputy Clerk

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