

IN THE COURT OF CLAIMS OF OHIO

JOEL TUCKER

Plaintiff

v.

OHIO DEPARTMENT OF
TRANSPORTATION

Defendant

Case No. 2023-00745AD

Deputy Clerk Holly True Shaver

MEMORANDUM DECISION

{¶1} Joel Tucker (“plaintiff”) filed this claim against defendant, Ohio Department of Transportation (“ODOT”), to recover damages which occurred when plaintiff’s 2018 Honda Civic struck a pothole on December 5, 2023, while plaintiff was traveling on Interstate Route 490 West in Cuyahoga County, Ohio. This road is a public road maintained by ODOT. Plaintiff’s vehicle sustained damages in the amount of \$645.70, including towing costs and replacement of two tires. Plaintiff attached a receipt for one tire in the amount of \$226.93 and a screenshot of a checking account transaction history to the complaint. Plaintiff submitted the \$25.00 filing fee.

{¶2} ODOT filed an investigation report stating its willingness to settle this claim if plaintiff provided a copy of plaintiff’s automobile insurance policy’s declaration page and proper documentation for all of plaintiff’s damages.

{¶3} R.C. 2743.02(D) states in pertinent part: “Recoveries against the state shall be reduced by the aggregate of insurance proceeds, disability award, or other collateral recovery that the claimant receives or is entitled to.”

{¶4} Plaintiff submitted a response to defendant’s investigation report, including a copy of a receipt for the other tire in the amount of \$226.94 and a receipt from Link for \$191.84, that did not state what the purchase was.

{¶5} On March 5, 2024, the deputy clerk ordered plaintiff to file a copy of the declaration page for plaintiff’s insurance and a proper receipt.

{¶6} Plaintiff submitted a copy of plaintiff's insurance declarations page. The policy with State Farm has a \$500.00 deductible. Plaintiff did not submit any other receipts; therefore, plaintiff cannot be compensated for the towing costs.

{¶7} Therefore, judgment is rendered in favor of plaintiff in the amount of \$453.87 for the two tires, plus \$25.00 for reimbursement of the filing fee pursuant to the holding in *Bailey v. Ohio Dept. of Rehab. & Corr.*, 62 Ohio Misc.2d 19, 587 N.E.2d 990 (Ct. of Cl.1990).

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ENTRY OF ADMINISTRATIVE
DETERMINATION

{¶8} 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 plaintiff in the amount of \$478.87, which includes reimbursement of the \$25.00 filing fee. Court costs are assessed against defendant.

HOLLY TRUE SHAVER
Deputy Clerk