

{¶5} 4) Plaintiff did not respond to defendant's motion to dismiss.

{¶6} THE COURT CONCLUDES THAT:

{¶7} 1) 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 bridges and culverts thereon, shall attach to or rest upon the director . . .";

{¶8} 2) The roadway where plaintiff's incident occurred was not within the maintenance responsibility of defendant.

{¶9} IT IS ORDERED THAT:

{¶10} 1) Defendant's motion to dismiss is GRANTED;

{¶11} 2) Plaintiff's claim is DISMISSED;

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

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Walter E. Pillow
2509 Nassau Drive
Columbus, Ohio 43232

Plaintiff, Pro se

Case No. 2003-02926-AD

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ENTRY

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DRE/tad
5/16
Filed 5/22/03
Sent to S.C. reporter 6/11/03