

ORIGINAL

FILED
COURT OF CLAIMS
OF OHIO

IN THE COURT OF CLAIMS OF OHIO

2013 SEP -3 PM 4: 05

LAURA A. MARTIN, ETC., et al.	:	
	:	
Plaintiffs,	:	Case No. 2013-00432
	:	
v.	:	
	:	Judge Patrick M. McGrath
OHIO DEPARTMENT OF	:	
TRANSPORTATION	:	
	:	
Defendant.	:	

ANSWER

Defendant, the Ohio Department of Transportation (ODOT), gives the following Answer to Plaintiffs' Complaint:

1. ODOT is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 1 of Plaintiffs' Complaint; and therefore, denies the same.
2. ODOT is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 2 of Plaintiffs' Complaint; and therefore, denies the same.
3. ODOT denies the allegations set forth in Paragraph 3 of Plaintiffs' Complaint.
4. ODOT admits the allegations set forth in Paragraph 4 of Plaintiffs' Complaint.
5. ODOT denies the allegations set forth in Paragraph 5 of Plaintiffs' Complaint.
6. ODOT denies the allegations set forth in Paragraph 6 of Plaintiffs' Complaint.
7. ODOT denies the allegations set forth in Paragraph 7 of Plaintiffs' Complaint.
8. ODOT denies the allegations set forth in Paragraph 8 of Plaintiffs' Complaint.
9. ODOT denies the allegations set forth in Paragraph 9 of Plaintiffs' Complaint.
10. ODOT denies the allegations set forth in Paragraph 10 of Plaintiffs' Complaint.

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11. ODOT denies the allegations set forth in Paragraph 11 of Plaintiffs' Complaint.
12. ODOT denies the allegations set forth in Paragraph 12 of Plaintiffs' Complaint.
13. ODOT denies the allegations set forth in Paragraph 13 of Plaintiffs' Complaint.
14. ODOT incorporates by reference its responses to Paragraphs 1–13 of Plaintiffs' Complaint as if fully restated herein and further states that it is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 14 of Plaintiffs' Complaint; and therefore, denies the same.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

15. ODOT specifically denies each and every allegation contained in Plaintiffs' Complaint not specifically admitted herein to be true.

SECOND DEFENSE

16. Plaintiffs' Complaint fails to state a claim upon which relief can be granted.

THIRD DEFENSE

17. The negligent actions of one or more persons whose conduct ODOT is not liable for were the intervening, superseding, and proximate causes of the injuries and damages alleged in Plaintiffs' Complaint.

FOURTH DEFENSE

18. Plaintiff's own negligent actions were the sole proximate cause or major contributing cause to her alleged injuries.

FIFTH DEFENSE

19. ODOT is entitled to an apportionment of liability, including that of non-parties as relevant.
20. ODOT is immune.

SIXTH DEFENSE

21. ODOT gives notice that it intends to rely upon and utilize such other defenses as they become available and/or apparent during the course of discovery and reserves the right to amend this Answer to assert such defenses.

WHEREFORE, ODOT, having fully answered Plaintiffs' Complaint, respectfully requests that this Court dismiss the Complaint in its entirety with costs to Plaintiffs.

Respectfully submitted,

MICHAEL DEWINE
Ohio Attorney General



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CERTIFICATE OF SERVICE

On September 3rd, 2013, a copy of this document was served via regular mail on the following:

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