

# **Court of Claims**

# **ANNUAL REPORT**

**2 0 1 3**

Cheryle M. Hall  
Clerk of the Court

2013

# Annual Report

of the

# West Virginia Court of Claims

Judges of the Court

The Honorable J. David Cecil, Presiding Judge

The Honorable T. C. McCarthy Jr., Judge

The Honorable George F. Fordham, Judge

Cheryle M. Hall, Clerk



## West Virginia Court of Claims

Presiding Judge  
J. David Cecil  
Judges  
T. C. McCarthy Jr.  
George F. Fordham

1900 Kanawha Blvd., E., Rm. W-334  
Charleston, WV 25305-0610  
Telephone (304) 347-4851  
Facsimile (304) 347-4915

Cheryle M. Hall  
Clerk  
Becky A. Ofiesh  
Chief Deputy Clerk

*Honorable Members of the  
West Virginia State Legislature*

*It is my honor and privilege to present to you, in accordance with the  
West Virginia Code §14-2-25, the Annual Report of the West Virginia Court  
of Claims. This Report covers the activities of the Court for the calendar year 2012.*

*Respectfully submitted,*

*Cheryle M. Hall*

*Cheryle M. Hall,*

*Clerk*

2013

**REPORT TO THE LEGISLATURE  
OF THE  
COURT OF CLAIMS**

TABLE OF CONTENTS

	Page #
Summary of Funds for Claims Bills	
Table of Claims Awarded by Agency.....	1-25
Board of Veterinary Medicine.....	1
Consolidated Public Retirement Board.....	1
Department of Administration.....	1
Department of Administration/Division of Real Estate.....	1
Department of Education.....	1
Division of Corrections.....	1-2
Division of Highways.....	2-23
Division of Motor Vehicles.....	24
Division of Veteran Affairs.....	24
Public Defender Services.....	24
Regional Jail Authority.....	24-25
State Fire Commission.....	25
State of West Virginia.....	25

Table of Contents (Continued)

Table of Over-Expenditure Claims .....	.26-27
Disallowed Claims .....	.28-29
Abstracts of Opinions of Claims .....	.30-91
Board of Veterinary Medicine. ....	.30
Consolidated Public Retirement Board. .	.30
Department of Administration. ....	.30-31
Department of Administration/Division of Real Estate .....	.31
Department of Education .....	.31
Division of Corrections . . . . .	.32-33
Division of Highways. . . . .	.34-85
Division of Motor Vehicles. ....	.86
Division of Veteran Affairs. ....	.87
Public Defender Services. ....	.87
Regional Jail Authority .....	.88-90
State Fire Commission .....	.90-91
State of West Virginia. ....	.91

## SUMMARY OF FUNDS

### REGULAR CLAIMS BILL

GENERAL REVENUE FUNDS	\$ 217,650.24
SPECIAL REVENUE FUNDS	\$ 220,002.87
STATE ROAD FUNDS	\$ 748,443.82
FEDERAL REVENUE FUNDS	\$ 582,677.32
TOTAL FOR REGULAR CLAIMS BILL	\$ 1,768,774.25

### OVEREXPENDITURE CLAIMS BILL

GENERAL REVENUE FUNDS	\$ 88,765.15
-----------------------	--------------

## Claims Presented to the 2013 Legislature

<b>Number</b>	<b>Name of Claimant</b>	<b>Name of Respondent</b>	<b>Amount Claimed</b>	<b>Amount Awarded</b>	<b>Date of Opinion</b>
13-0004	Goodwin, Wanda	Board of Veterinary Medicine	6,564.00	6,564.00	2/14/2013
12-0098	Williams, Regina H.	Consolidated Public Retirement Board	10,051.28	1,505.13	12/17/2012
10-0494	Design & Production Inc.,	Department of Administration	253,858.00	80,296.00	2/14/2013
11-0589	Discount Industrial Supply Corporation,	Department of Administration	20,238.28	5,000.00	12/17/2012
12-0034	Means, Vicky L.	Department of Administration/Division of Real Estate	15,561.39	11,534.04	4/16/2012
12-0455	Winchester Speech Pathologists PC,	Department of Education	12,480.00	12,480.00	12/17/2012
12-0033	Blake, Robert	Division of Corrections	160.48	160.48	12/17/2012
12-0215	Blake, Robert	Division of Corrections	170.99	170.99	12/17/2012
12-0096	Carr, Allen	Division of Corrections	15.60	15.60	12/17/2012
12-0479	Chance, Kenneth	Division of Corrections	39.65	39.65	12/17/2012

<b>Number</b>	<b>Name of Claimant</b>	<b>Name of Respondent</b>	<b>Amount Claimed</b>	<b>Amount Awarded</b>	<b>Date of Opinion</b>
12-0274	Felder, Kevin	Division of Corrections	320.00	320.00	8/29/2012
12-0061	Marcum, Justin E.	Division of Corrections	39.50	39.50	3/23/2012
12-0279	Morgan, Brian C.	Division of Corrections	155.86	155.86	8/29/2012
12-0424	Pettaway, Joseph	Division of Corrections	15.00	15.00	12/17/2012
12-0071	Stuckey, Lawrence	Division of Corrections	25.00	25.00	3/23/2012
11-0415	Adkins, James	Division of Highways	279.00	279.00	5/11/2012
12-0113	Adkins, Sally J.	Division of Highways	932.94	500.00	12/17/2012
12-0566	Adkins, Timothy W.	Division of Highways	500.00	500.00	1/24/2013
09-0449	Allen, Deborah A.	Division of Highways	500.00	500.00	1/24/2013
12-0108	Allen, Dustin	Division of Highways	224.61	224.61	4/3/2012
11-0657	Anderson, Lisa	Division of Highways	500.00	500.00	1/24/2013
12-0173	Anderson, Sheila D.	Division of Highways	193.87	193.87	2/14/2013



Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
12-0172	Anderson, Sheila D.	Division of Highways	193.87	193.87	2/14/2013
12-0563	Ashworth, Jason R.	Division of Highways	207.53	207.53	12/21/2012
12-0335	Ayers, Kelly	Division of Highways	108.38	108.38	7/31/2012
11-0683	Bailey, Johnna	Division of Highways	50.00	50.00	2/14/2013
11-0379	Baker, Dolores A.	Division of Highways	180.00	180.00	10/19/2012
11-0418	Ball, Jeremy	Division of Highways	658.66	658.66	10/19/2012
11-0606	Ballard, Dennis E. Ballard and Whitney K.	Division of Highways	806.52	806.52	7/24/2012
12-0103	Bambic, Kenneth	Division of Highways	1,271.96	1,271.96	2/14/2013
06-0374	Barnett, Norma	Division of Highways	unliquidated	9,000.00	2/14/2013
10-0688	Barnette, Grant	Division of Highways	627.26	500.00	12/17/2012
11-0490	Bass, Sonja S.	Division of Highways	553.45	553.45	7/24/2012
10-0423	Bell, Beverly Bell and Lee	Division of Highways	500.00	500.00	10/19/2012

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
12-0030	Beveridge, Christy	Division of Highways	201.74	201.74	2/14/2013
12-0596	Bills, Richard	Division of Highways	210.79	210.79	1/24/2013
06-0374	Bittinger, John W.	Division of Highways	unliquidated	81,000.00	2/14/2013
13-0003	Black, Jack L. Black and Rachel L.	Division of Highways	177.01	177.01	2/12/2013
12-0093	Black, Sara N.	Division of Highways	535.46	500.00	2/14/2013
11-0282	Blanchard, Tari L.	Division of Highways	307.87	307.87	2/14/2013
12-0611	Bloom, Tom C.	Division of Highways	298.92	298.92	2/7/2013
12-0616	Bolyard, Jason	Division of Highways	99.11	99.11	2/7/2013
12-0105	Booker, Brenda	Division of Highways	1,403.44	1,403.44	1/23/2013
10-0616	Booker, Robert	Division of Highways	unliquidated	10,378.03	3/23/2012
11-0361	Bossie III, George	Division of Highways	1,675.81	1,000.00	5/11/2012
12-0618	Bowen, Jay	Division of Highways	147.32	147.32	2/7/2013

<b>Number</b>	<b>Name of Claimant</b>	<b>Name of Respondent</b>	<b>Amount Claimed</b>	<b>Amount Awarded</b>	<b>Date of Opinion</b>
11-0417	Bowes, Daniel James	Division of Highways	348.28	348.28	5/11/2012
12-0457	Brabham, Betty L.	Division of Highways	150.52	150.52	11/12/2012
11-0500	Brandenburg, Penelope A.	Division of Highways	291.50	291.50	7/24/2012
12-0063	Bray Jr., Deneise S. Bray and Raymond	Division of Highways	297.86	297.86	7/24/2012
12-0087	Brown, Wesley A.	Division of Highways	259.70	259.70	4/3/2012
12-0275	Bunner, Amos	Division of Highways	9,500.00	9,500.00	2/14/2013
12-0406	Cantley, Tammy M.	Division of Highways	500.00	500.00	9/25/2012
12-0091	Cayton, Eric S.	Division of Highways	263.42	263.42	4/3/2012
11-0499	Chafin, Jon A.	Division of Highways	1,113.16	1,000.00	2/14/2013
11-0635	Chambers, William F. Chambers and Sharon T.	Division of Highways	601.72	500.00	5/11/2012
12-0153	Choma, Tracey Williams and Patricia	Division of Highways	913.93	500.00	12/17/2012
12-0035	Christ, Fritz	Division of Highways	277.60	277.60	12/17/2012

<b>Number</b>	<b>Name of Claimant</b>	<b>Name of Respondent</b>	<b>Amount Claimed</b>	<b>Amount Awarded</b>	<b>Date of Opinion</b>
11-0210	Clark, Johnithan	Division of Highways	400.00	400.00	2/14/2013
11-0694	Clendenin, Gordon	Division of Highways	1,551.16	1,551.16	7/24/2012
11-0691	Corey, Arnal S.	Division of Highways	500.00	500.00	2/21/2012
12-0400	Corwin Ford Sales Inc.,	Division of Highways	205.95	205.95	9/25/2012
11-0628	Cozad, Ralph Cozad and Barbara	Division of Highways	1,826.29	100.00	2/14/2013
12-0425	Culver, Eleesha	Division of Highways	478.57	478.57	9/25/2012
11-0438	Dempsey Engineering Company, Luther Dempsey dba	Division of Highways	887.00	887.00	3/23/2012
11-0287	Dick, Lois Mae	Division of Highways	155.82	50.00	7/24/2012
11-0278	Dick, Lois Mae	Division of Highways	148.61	50.00	2/14/2013
11-0700	Dignan, LeeAnn	Division of Highways	273.33	273.33	2/21/2012
11-0636	Dillon, Mindi L.	Division of Highways	267.15	267.15	5/11/2012
12-0246	Duffey, Judy	Division of Highways	136.00	136.00	6/26/2012

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
12-0370	Duncan, Charles	Division of Highways	285.14	285.14	8/10/2012
12-0308	Dunlap, Kevin E.	Division of Highways	258.60	258.60	2/14/2013
10-0662	Durst, Nikki L.	Division of Highways	834.09	834.09	2/14/2013
11-0605	Dye, Brian D.	Division of Highways	100.00	100.00	10/19/2012
12-0254	Dye, Jill R.	Division of Highways	169.63	169.63	5/24/2012
12-0011	Eaves, Hannah	Division of Highways	3,454.65	500.00	2/14/2013
12-0107	Edgel, Susan	Division of Highways	263.22	263.22	2/14/2013
11-0516	Efaw, John M.	Division of Highways	1,810.00	800.00	2/14/2013
10-0569	Egnor, Jennifer	Division of Highways	667.80	667.80	2/14/2013
13-0009	Ekelman, Benjamin	Division of Highways	129.47	129.47	2/12/2013
10-0422	Ellington, Robert	Division of Highways	1,500.00	1,500.00	3/23/2012
11-0706	Farnsworth, Thomas C.	Division of Highways	227.37	227.37	2/14/2013

<b>Number</b>	<b>Name of Claimant</b>	<b>Name of Respondent</b>	<b>Amount Claimed</b>	<b>Amount Awarded</b>	<b>Date of Opinion</b>
11-0363	Ferrell, Jeremy I. Ferrell and Nelda J.	Division of Highways	629.71	500.00	5/11/2012
12-0590	Ferrell, Jodie Ferrell and Michelle	Division of Highways	409.17	409.17	1/24/2013
11-0260	Ferrell, Maxwell	Division of Highways	110.00	110.00	10/19/2012
11-0443	Ferrell, Phillip	Division of Highways	389.02	389.02	2/14/2013
12-0097	Fetty, Robert F.	Division of Highways	406.05	406.05	4/3/2012
12-0480	Freddolino, Ralph	Division of Highways	125.46	125.46	11/12/2012
11-0684	Freed, Brooks D.	Division of Highways	250.00	250.00	2/21/2012
11-0592	Full, Patricia E. Full and Larry D.	Division of Highways	3,000.00	250.00	2/14/2013
12-0042	Gala Jr., Vincent A.	Division of Highways	765.88	500.00	2/14/2013
11-0567	Gantzer, James	Division of Highways	410.00	410.00	12/17/2012
12-0343	Garvin, Trena	Division of Highways	355.37	355.37	7/31/2012
12-0283	Ghiz, Jimmy Benson and John	Division of Highways	1,556.00	1,556.00	2/14/2013

<b>Number</b>	<b>Name of Claimant</b>	<b>Name of Respondent</b>	<b>Amount Claimed</b>	<b>Amount Awarded</b>	<b>Date of Opinion</b>
12-0057	Gorman, Brenda	Division of Highways	233.68	233.68	3/22/2012
12-0041	Graham, Alan Fell and Toni	Division of Highways	190.75	190.75	3/22/2012
12-0315	Grear, Betty Y.	Division of Highways	107.70	107.70	7/31/2012
12-0039	Hadley, Daniel L.	Division of Highways	5,735.23	3,100.00	2/1/2013
10-0548	Hamilton, Ella	Division of Highways	992.11	992.11	10/19/2012
10-0624	Hanna, Joseph C.	Division of Highways	312.99	312.99	7/24/2012
12-0012	Hanneman-Banks, Cynthia	Division of Highways	606.01	606.01	2/20/2013
11-0526	Hanshew, Danielle	Division of Highways	565.97	500.00	7/24/2012
12-0512	Hapney, Peggy S.	Division of Highways	270.87	270.87	12/21/2012
11-0332	Harbiso, Shawn N.	Division of Highways	349.00	349.00	7/24/2012
11-0384	Hardesty, Holly	Division of Highways	860.31	250.00	2/14/2013
11-0525	Hardy, Albert J. Hardy and Lorena L.	Division of Highways	313.49	313.49	7/24/2012

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
11-0022	Harper, Randy C.	Division of Highways	678.63	500.00	12/17/2012
12-0001	Harris, Evelyn L.	Division of Highways	1,275.89	1,000.00	2/14/2013
12-0140	Harter, John	Division of Highways	112.96	112.96	5/24/2012
10-0555	Haynes, Roger A.	Division of Highways	214.12	214.12	2/14/2013
11-0462	Herback, Jeremy	Division of Highways	500.00	500.00	7/24/2012
12-0112	Hess Jr., Roy G.	Division of Highways	314.33	314.33	3/5/2012
11-0692	Hite, Robert Jay	Division of Highways	328.96	328.96	7/24/2012
12-0110	Hobbs, Connie Hobbs and Phillip	Division of Highways	770.80	500.00	12/17/2012
12-0032	Holland, William	Division of Highways	387.68	387.68	2/21/2012
11-0563	Honaker, Krista	Division of Highways	200.34	200.34	10/19/2012
12-0117	Howell, Darlene	Division of Highways	250.49	250.49	2/14/2013
11-0545	Howell, Deborah L.	Division of Highways	1,487.29	1,000.00	2/14/2013



<b>Number</b>	<b>Name of Claimant</b>	<b>Name of Respondent</b>	<b>Amount Claimed</b>	<b>Amount Awarded</b>	<b>Date of Opinion</b>
12-0031	Hoy, Richard C. Hoy and Harriet L.	Division of Highways	286.01	286.01	12/17/2012
12-0233	Huffman, Danny C. Huffman & Audella C.	Division of Highways	1,132.10	500.00	2/22/2013
12-0014	Hull, Robert A.	Division of Highways	848.53	848.53	10/19/2012
12-0013	Hull, Robert A.	Division of Highways	772.08	772.08	10/19/2012
12-0120	Hutchinson, Shawn M.	Division of Highways	706.00	500.00	12/17/2012
11-0570	Jeffries, Vernia E.	Division of Highways	433.00	433.00	12/27/2012
11-0576	Jenkins, Felix M.	Division of Highways	280.00	280.00	10/19/2012
13-0008	Jenkins, Judy	Division of Highways	107.00	107.00	2/12/2013
11-0597	Johnson, Lewis Dean	Division of Highways	205.00	205.00	2/14/2013
11-0529	Jones, Anita	Division of Highways	629.76	500.00	12/17/2012
12-0301	Jones, David Christopher E.	Division of Highways	328.42	328.42	12/4/2012
12-0347	Jones, Orville	Division of Highways	78.99	78.99	8/10/2012

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
12-0074	Jones, Sharon A.	Division of Highways	118.61	118.61	3/22/2012
11-0530	Judy, Jackie E.	Division of Highways	320.12	320.12	12/17/2012
11-0673	Karp, Bryson J.	Division of Highways	335.73	335.73	2/21/2012
11-0613	Kee, Nathan Kyle	Division of Highways	2,301.00	2,301.00	5/11/2012
12-0547	Kehrer, Robert Kehrer and Brice	Division of Highways	108.73	108.73	12/21/2012
11-0081	King, Stacy	Division of Highways	149.44	149.44	2/14/2013
12-0051	Kniceley, Susie E.	Division of Highways	172.97	172.97	7/24/2012
12-0436	Konchesky, Terri L. and Andrew	Division of Highways	307.39	307.39	9/25/2012
12-0465	Lamb, Ronald Derrick	Division of Highways	500.00	500.00	11/12/2012
10-0388	Lambert, Rickey Dean Lambert and Donna D.	Division of Highways	67,153.00	40,000.00	2/14/2013
10-0284	Lanham, Charlene	Division of Highways	939.85	939.85	2/14/2013
12-0123	Lantz, Jerry	Division of Highways	200.00	200.00	7/24/2012

<b>Number</b>	<b>Name of Claimant</b>	<b>Name of Respondent</b>	<b>Amount Claimed</b>	<b>Amount Awarded</b>	<b>Date of Opinion</b>
11-0578	Larson, Frank	Division of Highways	474.98	474.98	2/14/2013
11-0316	Lepout, Chad Michael	Division of Highways	1,200.00	500.00	2/14/2013
12-0040	Lilly, Christy Nicole	Division of Highways	500.00	500.00	10/19/2012
12-0151	Linsbeck, Angela D. Linsbeck and David E.	Division of Highways	443.41	443.41	5/24/2012
12-0325	Longwell, Beulah	Division of Highways	200.00	200.00	7/31/2012
11-0698	Looney, Brian and Sandra	Division of Highways	322.18	322.18	10/19/2012
13-0012	Lynch, Donald	Division of Highways	350.04	350.04	2/12/2013
12-0138	Maine, Mary E.	Division of Highways	463.35	463.35	12/17/2012
09-0155	Markle, Ronald G.	Division of Highways	8,000.00	7,306.00	1/17/2013
12-0073	Mathews, Tristin	Division of Highways	2,246.60	2,246.60	2/14/2013
11-0209	May, Sam L.	Division of Highways	768.88	768.88	2/14/2013
12-0115	May, Sam L.	Division of Highways	502.00	502.00	2/14/2013

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
12-0185	Mayle, Peggy J.	Division of Highways	unliquidated	7,737.00	2/14/2013
11-0247	Maynard, Benjamin	Division of Highways	569.78	427.34	2/14/2013
11-0344	Maynor, Vivian	Division of Highways	626.20	626.20	5/11/2012
12-0036	McClain, W. Timothy	Division of Highways	512.80	512.80	7/24/2012
12-0242	McCoy, Madaline	Division of Highways	136.38	136.38	6/26/2012
12-0255	McCullough, Carey	Division of Highways	926.78	926.78	2/14/2013
13-0027	McDonie, Bridget A.	Division of Highways	unliquidated	200,000.00	2/14/2013
11-0659	McKinney, Mary A.	Division of Highways	353.19	353.19	7/24/2012
12-0004	McMillion, Randy McMillion and Rita	Division of Highways	1,341.24	1,000.00	2/14/2013
12-0482	McPherson, Miranda	Division of Highways	500.00	500.00	11/12/2012
11-0358	Meade, Charles D.	Division of Highways	90.10	90.10	7/24/2012
11-0504	Meadows, Charles F.	Division of Highways	unliquidated	9,825.43	12/17/2012

<b>Number</b>	<b>Name of Claimant</b>	<b>Name of Respondent</b>	<b>Amount Claimed</b>	<b>Amount Awarded</b>	<b>Date of Opinion</b>
12-0622	Meadows, Robin M.	Division of Highways	500.00	500.00	2/7/2013
11-0263	Melott, Elizabeth	Division of Highways	1,152.90	500.00	7/24/2012
12-0417	Meyer, Robert M.	Division of Highways	2,758.47	500.00	2/14/2013
11-0655	Milam, Jeffrey	Division of Highways	307.18	307.18	10/19/2012
11-0125	Miller Jr., Robert	Division of Highways	500.00	500.00	10/19/2012
11-0690	Minor, Kathy	Division of Highways	308.16	100.00	7/24/2012
11-0583	Money Penny, Evelyn	Division of Highways	230.04	230.04	2/14/2013
12-0038	Moore, Teresa	Division of Highways	1,009.00	1,009.00	2/14/2013
12-0509	Morgan, C. Suzanne	Division of Highways	453.67	375.00	12/21/2012
11-0160	Myers, Aaron W. Myers and Helen Fay	Division of Highways	1,936.34	1,936.34	5/11/2012
12-0025	Newhouse, Janet H.	Division of Highways	124.57	124.57	7/12/2012
12-0266	Null, O. Kermit	Division of Highways	572.50	572.50	12/17/2012

<b>Number</b>	<b>Name of Claimant</b>	<b>Name of Respondent</b>	<b>Amount Claimed</b>	<b>Amount Awarded</b>	<b>Date of Opinion</b>
12-0152	Oakes, Sylvia Jane	Division of Highways	1,340.07	500.00	12/17/2012
12-0054	Owens, Ernest J.	Division of Highways	250.00	250.00	3/22/2012
12-0585	Padon, Phillip	Division of Highways	500.00	500.00	1/24/2013
12-0597	Painter, Kristina	Division of Highways	250.00	250.00	1/24/2013
12-0099	Panepinto, Mark D.	Division of Highways	6,123.34	6,123.34	2/14/2013
10-0271	Parmer, Wesley	Division of Highways	unliquidated	125,000.00	2/14/2013
12-0171	Parsons, Donald G.	Division of Highways	266.21	266.21	12/17/2012
11-0439	Patterson, Dr. Emmitt C.	Division of Highways	230.00	230.00	5/11/2012
11-0315	Pennington, Jack L. Pennington and Janet S.	Division of Highways	unliquidated	11,800.00	12/17/2012
12-0125	Petty, Charles W.	Division of Highways	500.00	500.00	10/11/2012
12-0154	Pierce, Richard F.	Division of Highways	308.00	308.00	5/24/2012
11-0430	Plybon, Danny Plybon and Linda	Division of Highways	10,000.00	5,159.44	2/14/2013

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
12-0148	Puglisi, Charles P.	Division of Highways	1,624.45	250.00	2/14/2013
12-0066	Pulliam, Patty L.	Division of Highways	1,179.51	1,179.51	12/17/2012
12-0248	Queen, Martha Jo	Division of Highways	162.18	162.18	5/24/2012
12-0549	Quick, Susan Quick and John	Division of Highways	289.30	137.53	12/21/2012
13-0013	Rairden, John	Division of Highways	500.00	500.00	2/12/2013
11-0534	Ramsey, Richard	Division of Highways	446.52	446.52	5/11/2012
12-0252	Ratliff, Glen E.	Division of Highways	500.00	500.00	12/17/2012
10-0677	Reed, Tonia	Division of Highways	317.00	250.00	2/14/2013
11-0609	Reid, Sharon	Division of Highways	318.00	318.00	7/24/2012
12-0055	Rhodes, Michael E.	Division of Highways	115.47	115.47	3/22/2012
11-0449	Richards, Donna J.	Division of Highways	137.69	137.69	5/11/2012
12-0121	Rizzo, Mary K.	Division of Highways	74.15	74.15	5/24/2012

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
12-0552	Roberts, Daniel M.	Division of Highways	276.12	276.12	12/21/2012
09-0433	Roberts, Felicia Christian	Division of Highways	unliquidated	18,000.00	2/14/2013
10-0386	Robertson, Anita J.	Division of Highways	537.55	500.00	12/17/2012
11-0715	Robertson, Donna	Division of Highways	250.00	250.00	10/19/2012
11-0712	Robertson, Evelyn	Division of Highways	1,226.06	500.00	2/14/2013
10-0679	Robinette, Audrey Robinette and Phillip	Division of Highways	1,000.00	1,000.00	2/14/2013
11-0604	Rogers, Donald	Division of Highways	552.85	552.85	10/19/2012
11-0671	Rumon, Tammy R.	Division of Highways	233.34	233.34	2/21/2012
10-0644	Sahley Realty Co.,	Division of Highways	220,000.00	80,000.00	12/17/2012
12-0134	Sandy, Travis	Division of Highways	168.01	168.01	5/24/2012
11-0155	Sarver, Steven B.	Division of Highways	116.69	116.69	12/17/2012
11-0610	Sauchuck, Pete Sauchuck and Benita	Division of Highways	16,064.23	8,500.00	2/14/2013



Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
11-0582	Sayre, Tara N.	Division of Highways	783.34	783.34	5/11/2012
11-0461	Seacrist, Carl R.	Division of Highways	622.95	622.95	5/11/2012
12-0310	Sendling, Gary W. Sendling and Ruth A.	Division of Highways	106.00	106.00	7/31/2012
11-0670	Shafer II, Bobby	Division of Highways	500.00	500.00	2/7/2013
11-0511	Sharp, Julie	Division of Highways	unliquidated	2,025.00	12/17/2012
12-0497	Shaw, Chancy	Division of Highways	410.08	410.08	12/18/2012
12-0339	Shawver, Roy G.	Division of Highways	3,348.07	1,000.00	12/17/2012
12-0081	Sheen, Maria	Division of Highways	162.79	162.79	3/22/2012
12-0184	Shinn Jr., James Edra	Division of Highways	345.41	345.41	5/24/2012
11-0472	Showen, Michael H.	Division of Highways	372.00	100.00	2/14/2013
12-0114	Sing, Linda S.	Division of Highways	656.53	656.53	2/14/2013
11-0585	Sizemore, Warren and James	Division of Highways	252.00	252.00	10/19/2012

<b>Number</b>	<b>Name of Claimant</b>	<b>Name of Respondent</b>	<b>Amount Claimed</b>	<b>Amount Awarded</b>	<b>Date of Opinion</b>
11-0627	Skiles, Cynthia W.	Division of Highways	611.62	458.72	5/11/2012
12-0340	Slone, Kathy L.	Division of Highways	209.78	209.78	7/31/2012
11-0498	Smith, Darron R.	Division of Highways	287.33	287.33	2/14/2013
12-0516	Smith, David L.	Division of Highways	424.38	424.38	12/21/2012
11-0561	Smith, Marylou	Division of Highways	653.39	500.00	7/24/2012
12-0094	Smith, Trixie Smith and Michael	Division of Highways	151.58	151.58	4/3/2012
11-0423	Southern Appalachian Labor School,	Division of Highways	67.19	67.19	7/24/2012
12-0337	Spano, Theresa M.	Division of Highways	244.48	244.48	2/14/2013
11-0502	St. Clair, Gary St. Clair and Sheila	Division of Highways	498.00	498.00	7/24/2012
11-0646	Stockett, Jessica	Division of Highways	350.00	350.00	12/17/2012
12-0084	Sullivan, Wanda	Division of Highways	302.00	250.00	2/14/2013
12-0083	Swann, Betty L.	Division of Highways	122.30	122.30	2/14/2013

<b>Number</b>	<b>Name of Claimant</b>	<b>Name of Respondent</b>	<b>Amount Claimed</b>	<b>Amount Awarded</b>	<b>Date of Opinion</b>
11-0377	Swanson, Wendy S.	Division of Highways	982.69	250.00	12/17/2012
12-0029	Sweeney, Matt	Division of Highways	254.63	254.63	2/21/2012
11-0565	Talkington, Alexa Talkington and Melinda	Division of Highways	554.61	554.61	2/14/2013
11-0403	Thompson, Gregory B.	Division of Highways	1,040.42	1,000.00	2/14/2013
12-0043	Turner, John M. Turner and Jana L.	Division of Highways	426.17	426.17	3/22/2012
12-0280	Tyree, Charles A.	Division of Highways	1,452.11	1,452.11	2/14/2013
10-0197	VanHouten, Betty Y.	Division of Highways	918.48	500.00	12/17/2012
11-0106	Villers, Susanna	Division of Highways	994.28	994.28	7/24/2012
10-0680	Walker, Danny A.	Division of Highways	1,700.00	1,700.00	2/13/2013
12-0095	Walker, David Trivett and Tammy	Division of Highways	202.50	202.50	4/3/2012
12-0323	Walker, Hoile D.	Division of Highways	284.00	284.00	7/31/2012
11-0548	Walker, Leon Walker and Sherry	Division of Highways	3,597.72	250.00	2/14/2013

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
11-0259	Walker, Travis W.	Division of Highways	2,208.96	500.00	5/11/2012
11-0580	Wallace, Beverly Wallace and Jeremy	Division of Highways	648.11	500.00	7/24/2012
12-0047	Ward, Charles Brandon	Division of Highways	1,000.00	1,000.00	10/19/2012
11-0102	Wardlow, Dr. Vincent	Division of Highways	715.50	715.50	7/24/2012
10-0406	Warner, Randy J. Warner and Libby K.	Division of Highways	909.43	909.43	12/17/2012
12-0263	Watkins, Darlene and Teddy	Division of Highways	238.20	238.20	10/19/2012
10-0669	Watson, Ella	Division of Highways	4,325.00	4,325.00	2/14/2013
12-0022	Watson, Kedar	Division of Highways	936.42	500.00	12/17/2012
11-0701	Webley, Christopher	Division of Highways	889.45	500.00	2/14/2013
12-0286	Webster, Jamie E.	Division of Highways	425.34	425.34	2/14/2013
11-0493	Welker, Jeff	Division of Highways	95.55	95.55	2/14/2013
11-0650	White, Ricky	Division of Highways	289.62	289.62	7/24/2012

<b>Number</b>	<b>Name of Claimant</b>	<b>Name of Respondent</b>	<b>Amount Claimed</b>	<b>Amount Awarded</b>	<b>Date of Opinion</b>
12-0078	Williams, James E.	Division of Highways	238.55	238.55	3/22/2012
11-0629	Wilmouth, Alice	Division of Highways	117.61	117.61	10/11/2012
11-0558	Wilson, Marvin C.	Division of Highways	475.91	475.91	7/12/2012
12-0100	Wolfe, Robert	Division of Highways	589.52	589.52	4/3/2012
11-0127	Woodard, Roger Woodard and Andrea	Division of Highways	252.28	252.28	2/14/2013
11-0191	Woods, Diana	Division of Highways	1,241.48	250.00	7/24/2012
12-0349	Workman, Ginger	Division of Highways	141.87	141.87	8/10/2012
12-0522	Workman Jr., Ronald T.	Division of Highways	107.75	107.75	12/21/2012
12-0135	Wright, Brooke Wright and Robert	Division of Highways	129.32	129.32	7/24/2012
10-0305	Yanuzo, Aaron C.	Division of Highways	1,000.00	1,000.00	2/14/2013
11-0720	Yates Jr., Charles L.	Division of Highways	460.00	460.00	10/19/2012
12-0069	Young, Debbie	Division of Highways	853.06	500.00	12/17/2012

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
11-0329	Allman, Daniel R.	Division of Motor Vehicles	100.01	100.01	5/11/2012
12-0419	Nexsen, Vernon	Division of Motor Vehicles	190.00	190.00	2/14/2013
12-0469	Tri-Star Motors Inc.,	Division of Motor Vehicles	2,509.00	2,509.00	2/14/2013
10-0564	G.A. Brown & Son Inc.,	Division of Veterans Affairs	unliquidated	582,677.32	12/13/2012
11-0036	Karr Jr., David R.	Public Defender Services	20,851.89	9,888.50	4/16/2012
11-0546	Angel, James	Regional Jail Authority	27.03	27.03	12/17/2012
11-0055	Bowles Jr., Jack M.	Regional Jail Authority	280.00	280.00	2/14/2013
12-0139	Boxley, Kevin	Regional Jail Authority	70.00	70.00	5/11/2012
10-0645	Gray, Cheryl D.	Regional Jail Authority	117.00	117.00	2/14/2013
12-0067	Moats, Robert W.	Regional Jail Authority	1,400.00	380.00	12/17/2012
11-0465	MS Consultants Inc.,	Regional Jail Authority	275,376.75	200,000.00	2/22/2013
11-0621	Ruthers, Adam	Regional Jail Authority	61.00	61.00	2/14/2013

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
11-0571	Taylor, Don	Regional Jail Authority	123.80	123.80	2/14/2013
12-0528	Hospitality Ventures LLC,	State Fire Commission	846.00	846.00	12/17/2012
11-0714	Ronceverte Volunteer Fire Department,	State Fire Commission	10,238.49	10,238.49	12/28/2012
09-0001	Casto, Thomas Wilson	State of West Virginia	750,000.00	5,000.00	12/17/2012
11-0566	Matzdorff, Daniel Carter	State of West Virginia	unliquidated	92,300.00	12/17/2012
			<b>\$1,868,574.29</b>	<b>\$1,768,774.21</b>	

## Over-Expenditure Claims Presented to the 2013 Legislature

### Claims Against the Department of Education

<u>Number</u>	<u>Claimant's Name</u>	<u>Nature of Claim</u>	<u>Amount in Claims Bill</u>	<u>Date of Opinion</u>
CC 12-0454	Winchester Speech Pathologists PC	unpaid invoice(s)	2,643.75	12/17/2012

Agency total: \$2,643.75

### Claims Against the West Virginia Racing Commission

<u>Number</u>	<u>Claimant's Name</u>	<u>Nature of Claim</u>	<u>Amount in Claims Bill</u>	<u>Date of Opinion</u>
CC 12-0555	Barber	Racing purse	720.00	12/17/2012
CC 12-0508	Brown	Racing purse	5,820.00	12/17/2012
CC 12-0624	Camp	Racing purse	660.00	2/14/2013
CC 12-0297	Casey	Racing purse	15,180.00	12/17/2012
CC 12-0298	Chinn	Racing purse	660.00	12/17/2012
CC 12-0389	Conner	Racing purse	6,477.00	12/17/2012
CC 12-0401	Figgins	Racing purse	1,320.00	12/17/2012
CC 12-0514	Hoke	Racing purse	12,784.40	12/17/2012
CC 12-0367	Johnson	Racing purse	1,235.40	12/17/2012
CC 12-0324	Kempe	Racing purse	660.00	12/17/2012
CC 12-0519	Langley	Racing purse	4,796.60	12/17/2012
CC 12-0518	Langley	Racing purse	5,507.50	12/17/2012
CC 12-0383	Lee	Racing purse	568.40	12/17/2012



<u>Number</u>	<u>Claimant's Name</u>	<u>Nature of Claim</u>	<u>Amount in Claims Bill</u>	<u>Date of Opinion</u>
CC 12-0554	Mahar for Amir Associates	Racing purse	5,718.00	12/17/2012
CC 12-0524	McCormick	Racing purse	960.00	12/17/2012
CC 12-0293	McPherson	Racing purse	1,577.60	12/17/2012
CC 12-0530	Moore	Racing purse	5,104.20	12/17/2012
CC 12-0311	Mullins	Racing purse	1,560.00	12/17/2012
CC 12-0507	Parker	Racing purse	1,680.00	12/17/2012
CC 12-0303	Riffle	Racing purse	551.00	12/17/2012
CC 12-0320	Riggi	Racing purse	2,563.60	12/17/2012
CC 13-0002	Schneider	Racing purse	1,500.00	2/14/2013
CC 12-0295	Sewell	Racing purse	540.00	12/17/2012
CC 12-0421	Sharp	Racing purse	1,680.00	12/17/2012
CC 12-0449	Sneed Sr.	Racing purse	1,440.00	12/17/2012
CC 12-0319	Steele	Racing purse	3,704.80	12/17/2012
CC 12-0557	Welsh	Racing purse	1,152.90	12/17/2012

Agency total: **\$86,121.40**

Grand total: **\$88,765.15**

## Disallowed Claims Presented to the 2013 Legislature

Number	Name of Claimant	Name of Respondent	Amount Claimed	Final Disposition	Date of Opinion
10-0590	Adams, Patricia Hart	Division of Highways	1,256.98	Disallowed	1/17/2013
11-0509	Andy, Phyllis	Division of Highways	8,050.00	Disallowed	2/27/2013
10-0136	Belier, Travis	Division of Highways	418.65	Disallowed	2/27/2013
12-0102	Burford, Joseph Ray	Division of Highways	2,091.00	Disallowed	1/17/2013
12-0092	Cave, Wilma L.	Division of Highways	2,600.00	Disallowed	2/27/2013
11-0689	Day, Lawrence Roy	Division of Highways	212.00	Disallowed	2/27/2013
11-0277	Dick, Lois Mae	Division of Highways	144.27	Disallowed	2/27/2013
11-0429	Frasher Jr., Harry	Division of Highways	164.95	Disallowed	2/27/2013
12-0007	Gorczyca, Jane L. Gorczyca and Glenn G.	Division of Highways	693.89	Disallowed	2/27/2013
11-0518	Graves, Drena J.	Division of Highways	217.92	Disallowed	1/17/2013
09-0588	Henderson Transfer LLC,	Division of Highways	26,502.50	Disallowed	3/23/2012
11-0356	Jackson, Timothy	Division of Highways	1,265.75	Disallowed	5/11/2012
09-0235	Kerns, Michael K.	Division of Highways	1,500.00	Disallowed	1/17/2013
11-0392	Lough, Clifton Lough and Allyson B.	Division of Highways	4,000.00	Disallowed	5/11/2012

Number	Name of Claimant	Name of Respondent	Amount Claimed	Final Disposition	Date of Opinion
12-0166	Martin, Philomena	Division of Highways	100.00	Disallowed	2/27/2013
12-0355	Maynard, Clarissa D.	Division of Highways	241.57	Disallowed	2/27/2013
11-0447	McPherson, Sara Lynn	Division of Highways	217.30	Disallowed	2/27/2013
12-0290	Middleton, Estel R. Middleton and Lynna I.	Division of Highways	424.74	Disallowed	1/17/2013
11-0560	Peak Properties LLC, dba Capitol Mini Storage,	Division of Highways	275.00	Disallowed	2/27/2013
08-0338	Proffitt, Sampy	Division of Highways	15,000.00	Disallowed	5/11/2012
10-0269	Raber Jr., Charles C.	Division of Highways	674.48	Disallowed	1/14/2013
12-0243	Stapler, Loretta J.	Division of Highways	5,500.00	Disallowed	2/27/2013
08-0312	Viola, Anthony S.	Division of Highways	1,336.24	Disallowed	1/17/2013
11-0590	Winfree, Lashawn N.	Division of Highways	803.94	Disallowed	2/27/2013
11-0405	Brooks, Margo Latanya	New River Community and Technical College	3,000.00	Disallowed	12/17/2012
09-0057	Moats, Robert W.	Regional Jail Authority	1,200.00	Disallowed	1/17/2013
10-0477	Shell Equipment Company Inc.,	Regional Jail Authority	300,000.00	Disallowed	2/27/2013

**\$377,891.18**

AMOUNT AWARDED: \$80,296.00

AMOUNT CLAIMED: \$253,858.00

Design & Production Inc. ("Claimant"), a corporation, brings this claim for damages arising from an alleged breach of contract by the West Virginia Department of Administration ("Respondent"). Claimant entered into a contract with the Division of Culture and History for the design and manufacture of certain displays for the refurbished museum. The contract was let as a manufacturing contract but the Division of Labor later determined that it was a construction contract. This caused the taxes assessed to Claimant to be in an amount much greater than anticipated by Claimant in the bid it submitted for this project. Claimant asserts the taxes were paid beyond the rate represented by Respondent's agents, and Respondent is responsible for the full reimbursement of said additional taxes already paid to the State, as well as for taxes, interest and penalties still due and owing to the City of Charleston. The Court made an award, in part, for taxes assessed by the State, but denied the amount assessed by the City of Charleston.

CC-10-0494 DESIGN & PRODUCTION INC. V. DEPARTMENT OF ADMINISTRATION

**CLAIMS AGAINST DEPARTMENT OF ADMINISTRATION**

AMOUNT AWARDED: \$1,505.13

AMOUNT CLAIMED: \$10,051.28

Claimant, Regina Williams, a former employee of Respondent Consolidated Public Retirement Board, brings the instant claim seeking treble damages for funds which she alleges were not paid within statutorily mandated seventy-two hour period after her discharge from Respondent. The Court denied this claim, in part, and granted, in part.

CC-12-0098 REGINA H. WILLIAMS V. CONSOLIDATED PUBLIC RETIREMENT BOARD

**CLAIM AGAINST CONSOLIDATED PUBLIC RETIREMENT BOARD**

AMOUNT AWARDED: \$6,564.00

AMOUNT CLAIMED: \$6,564.00

Claimant seeks to recover \$6,564.00 for annual incremental pay for the years 1985 through 1995, which was not paid to Claimant while serving in her capacity as Executive Director of Respondent agency. Respondent admits the validity as well as the amount of the claim, and states that there were sufficient funds expired in the appropriate fiscal years from which the payments could have been made.

CC-13-0004 WANDA GOODWIN V. BOARD OF VETERINARY MEDICINE

**CLAIM AGAINST BOARD OF VETERINARY MEDICINE**

**ABSTRACTS OF CLAIMS AWARDED**

**COURT OF CLAIMS**

CC-11-0589 DISCOUNT INDUSTRIAL SUPPLY CORPORATION V. DEPARTMENT OF ADMINISTRATION

Claimant, Discount Industrial Supply Corporation ("DISCO"), brought this action seeking an award of attorney fees for substantially prevailing on a Writ of Mandamus filed in the Circuit Court of Kanawha County. Claimant attempted to have a contract awarded by Respondent to be set aside since the contractor's items did not meet the specifications in the bid. Claimant found it necessary to bring a Writ of Mandamus to enforce the provisions in the contract. Respondent did set aside the contract which was never rebid. The Court was of the opinion to award partial attorney fees.

AMOUNT CLAIMED: \$20,238.28 AMOUNT AWARDED: \$5,000.00

**CLAIM AGAINST THE DEPARTMENT OF ADMINISTRATION/DIVISION OF REAL ESTATE**

CC-12-0034 VICKY L. MEANS V. DEPARTMENT OF ADMINISTRATION AND DIVISION OF REAL ESTATE

Claimant seeks to recover \$15,561.39 for wages owed upon termination of employment. Respondent admits the validity of the claim as well as the amount with respect to the services rendered in the sum of \$11,534.04, and states that there were sufficient funds expired in that appropriate fiscal year from which the invoice could have been paid. Respondent denies the claim with respect to the remaining \$4,027.35.

AMOUNT CLAIMED: \$15,561.39 AMOUNT AWARDED: \$11,534.04

**CLAIMS AGAINST DEPARTMENT OF EDUCATION**

CC-12-0455 WINCHESTER SPEECH PATHOLOGISTS PC V. DEPARTMENT OF EDUCATION

Claimant, a vendor providing speech pathology services to the State, seeks to recover \$12,480.00 for services already provided, but for which it has not been paid. In its Answer, Respondent admits the validity of the claim and that the amount is fair and reasonable.

AMOUNT CLAIMED: \$12,480.00 AMOUNT AWARDED: \$12,480.00

**CLAIMS AGAINST DIVISION OF CORRECTIONS**

CC-12-0033 ROBERT BLAKE V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mount Olive Correctional Complex at the time of the incident, seeks to recover \$160.48 for a personal television that was inspected and never returned to him. Respondent admits the validity of the claim and that the amount is fair and reasonable.

AMOUNT CLAIMED: \$160.48  
AMOUNT AWARDED: \$160.48

CC-12-0215 ROBERT BLAKE V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mount Olive Correctional Complex at the time of the incident, seeks to recover \$170.99 for a new television that he ordered but which he never received. Respondent admits the validity of the claim and that the amount is fair and reasonable.

AMOUNT CLAIMED: \$170.99  
AMOUNT AWARDED: \$170.99

CC-12-0096 ALLEN CARR V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mount Olive Correctional Complex at the time of the incident, seeks to recover \$15.60 for a hat and wallet which were never returned to him. In its Answer, Respondent admits the validity of the claim and that the amount is fair and reasonable.

AMOUNT CLAIMED: \$15.60  
AMOUNT AWARDED: \$15.60

CC-12-0479 KENNETH CHANCE V. DIVISION OF CORRECTIONS

Claimant, an inmate at West Regional Jail at the time of the incident, seeks to recover \$39.65 for personal effects that were never returned to him. In its Answer, Respondent admits the validity of the claim and that the amount is fair and reasonable.

AMOUNT CLAIMED: \$39.65  
AMOUNT AWARDED: \$39.65

CC-12-0274 KEVIN FELDER V. DIVISION OF CORRECTIONS

Claimant, an inmate at Saint Marys Correctional Center at the time of the incident, seeks to recover \$320.00 for items of personal property that were not returned. In its Answer, Respondent admits the validity of the claim and that the amount is fair and reasonable.

AMOUNT CLAIMED: \$320.00  
AMOUNT AWARDED: \$320.00

AMOUNT CLAIMED: \$25.00  
 AMOUNT AWARDED: \$25.00

Claimant, an inmate at Mount Olive Correctional Complex at the time of the incident, seeks to recover \$25.00 for personal effects that were never returned to him. In its Answer, Respondent admits the validity of the claim and that the amount is fair and reasonable.

CC-12-0071 LAWRENCE STUCKEY V. DIVISION OF CORRECTIONS

AMOUNT CLAIMED: \$15.00  
 AMOUNT AWARDED: \$15.00

Claimant, an inmate at Mount Olive Correctional Complex at the time of the incident, seeks to recover \$15.00 for magazines that were never returned to him. In its Answer, Respondent admits the validity of the claim and that the amount is fair and reasonable.

CC-12-0424 JOSEPH PETTAWAY V. DIVISION OF CORRECTIONS

AMOUNT CLAIMED: \$155.86  
 AMOUNT AWARDED: \$155.86

Claimant, an inmate at Northern Regional Correctional Facility at the time of the incident, seeks to recover \$155.86 for articles of clothing and other personal effects that were never returned to him. In its Answer, Respondent admits the validity of the claim and that the amount is fair and reasonable.

CC-12-0279 BRIAN C. MORGAN V. DIVISION OF CORRECTIONS

AMOUNT CLAIMED: \$39.50  
 AMOUNT AWARDED: \$39.50

Claimant, an inmate at Mount Olive Correctional Complex at the time of the incident, seeks to recover \$39.50 for personal effects that were never returned to him. In its Answer, Respondent admits the validity of the claim and that the amount is fair and reasonable.

CC-12-0061 JUSTIN E. MARCUM V. DIVISION OF CORRECTIONS

**CLAIMS AGAINST THE DIVISION OF HIGHWAYS**

CC-11-0415 JAMES ADKINS V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 24, 2011, the Claimant, James Adkins, was traveling along Hewett Creek Road near Hewett, Boone County, when his 2010 Subaru Impreza struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Hewett Creek Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$279.00. The Claimant's insurance required a \$500.00 deduction at the time of the incident; therefore, the Claimant's award will not be limited. The amount of \$279.00 is fair and reasonable.

AMOUNT CLAIMED: \$279.00  
AMOUNT AWARDED: \$279.00

CC-12-0113 SALLY J. ADKINS V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 29, 2012, the Claimant, Sally J. Adkins, was traveling along Midway Road near Alum Creek, Lincoln County, when her 2010 Lincoln 4D struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Midway Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$932.94. However, the Claimant's insurance requires a \$500.00 deduction; therefore, the Claimant is limited to an award equal to the amount of her deductible. The amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$932.94  
AMOUNT AWARDED: \$500.00

CC-12-0173 SHEILA D. ANDERSON V. DIVISION OF HIGHWAYS

Claimant, Sheila D. Anderson, brought this action for vehicle damage which occurred when her 2002 Dodge Neon struck a hole while she was traveling along the 705 bypass in Morgantown, Monongalia County. In the instant case, the Court is of the opinion that Respondent had, at the least, constructive notice of the destructive capabilities of the expansion joints along the 705 bypass and that the condition could present a hazard to the traveling public. Despite Respondent's inability to determine if there was a hole along the roadway, the Court finds that the Respondent was negligent based on its admission that it could have been caused by an expansion joint. Thus, Claimant may make a recovery for the damage to her vehicle.

AMOUNT CLAIMED: \$193.87  
AMOUNT AWARDED: \$193.87



AMOUNT AWARDED: \$806.52

AMOUNT CLAIMED: \$806.52

The parties stipulated as follows: On September 24, 2011, Claimant Dennis E. Ballard was traveling along Gee Lick Road near Weston, Lewis County, when his 2005 Dodge Neon struck a deteriorated portion of the roadway. Respondent was responsible for the maintenance of Gee Lick Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimants' vehicle sustained damage in the amount of \$806.52. The Claimants only carried liability insurance on the vehicle on the date of the incident; therefore, no limitation applies to the Claimants' award. The amount of \$806.52 is fair and reasonable.

HIGHWAYS

CC-11-0606 DENNIS E. BALLARD AND WHITNEY K. BALLARD V. DIVISION OF

AMOUNT AWARDED: \$50.00

AMOUNT CLAIMED: \$50.00

The parties stipulated as follows: On November 2, 2011, the Claimant, Johna Bailey, was traveling along 5<sup>th</sup> Avenue in Huntington, Cabell County, when her 1999 Ford Escort struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of 5<sup>th</sup> Avenue, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$50.00. The Court finds that the amount of \$50.00 is fair and reasonable and the parties have mutually agreed to said amount as full satisfaction of the claim.

CC-11-0683 JOHNA BAILEY V. DIVISION OF HIGHWAYS

AMOUNT AWARDED: \$193.87

AMOUNT CLAIMED: \$193.87

Claimant, Sheila D. Anderson, brought this action for vehicle damage which occurred when her 2002 Dodge Neon struck a hole while traveling along Route 119, also designated University Avenue, in Morgantown, Monongalia County. In the instant case, the Court is of the opinion that Respondent had, at the least, constructive notice of the hole along Route 119. Despite Respondent's inability to determine if there was a hole along the roadway, the Court finds that the Respondent was negligent based on its admission that it could have been caused by an expansion joint. Thus, Claimant may make a recovery for the damage to her vehicle.

CC-12-0172 SHEILA D. ANDERSON V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2000 Dodge Dakota struck a series of holes while traveling along Goshorn Road in Cameron, Marshall County. In the instant case, the Court is of the opinion that Respondent had, at the least, constructive notice of the roadway holes which the Claimant's vehicle struck, and that the roadway holes presented a hazard to the traveling public. Since there were numerous holes on this road, and since Respondent has admitted to this Court that it was aware of the deleterious effect that heavy truck loads and truck travel linked to the increased oil and gas production has on our State's roads, the Court finds that Respondent was negligent. Thus, Claimant may make a recovery for the damage to his vehicle.

AMOUNT CLAIMED: \$1,271.96 AMOUNT AWARDED: \$1,271.96

The parties stipulated as follows: Respondent is responsible for the maintenance of a public roadway known as Harmon Creek Road in Brooke County, West Virginia. On or around December 14, 2004, John W. Bittinger was operating his motor vehicle on Harmon Creek Road in or near Colliers in Brooke County, West Virginia. Claimants allege that the proximate cause of John W. Bittinger's accident was that the portion of Harmon Creek Road in Colliers where the accident occurred was uneven and in an unsafe, hazardous and defective condition on the day of the accident. Under the specific facts and circumstances of this claim and for purposes of settlement of said claim, Respondent does not dispute the allegations contained in Paragraph 3 of this stipulation. John W. Bittinger was injured as a result of the accident and required medical treatment for his injuries. Norma Barnett (formally known as Norma Bittinger and former wife of John W. Bittinger) contends that she suffered a loss of spousal consortium as a result of the injuries suffered by John W. Bittinger in the accident that occurred on December 14, 2004. Both the Claimants and Respondent believe that in this particular incident and under these particular circumstances that a total award of Ninety Thousand Dollars (\$90,000.00) would be a fair and reasonable amount to settle this claim. John W. Bittinger and Norma Barnett have agreed that John W. Bittinger should receive Eighty-One Thousand Dollars (\$81,000.00) out of the total award of Ninety Thousand Dollars (\$90,000.00) as compensation for his injuries. Norma Barnett and John W. Bittinger have agreed that Norma Barnett should receive Nine Thousand Dollars (\$9,000.00) out of the total award of Ninety Thousand Dollars (\$90,000.00) as compensation for her loss of spousal consortium. The parties to this claim agree that the total sum of Eighty-One Thousand Dollars (\$81,000.00) to be paid by Respondent to Claimant John W. Bittinger and the total sum of Nine Thousand Dollars (\$9,000.00) to be paid by Respondent to Claimant Norma Barnett in Claim No. CC-06-0374 will be a full and complete satisfaction of any and all past and future claims Claimants may have against Respondent, for any reason, arising from the matters described in said claim.

AMOUNT CLAIMED: Unliquidated AMOUNT AWARDED: \$9,000.00

CC-10-0688 GRANT BARNETTE V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 30, 2010, the Claimant, Grant Barnette, was traveling south along W. Va. Route 2 near Point Pleasant, Mason County, when his 2010 Chevrolet Silverado struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 2, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$627.26. The Claimant's insurance requires a \$500.00 deduction; therefore, the Claimant is limited to an award in the amount of the deductible. The amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$627.26

AMOUNT AWARDED: \$500.00

CC-11-0490 SONJA S. BASS V. DIVISION OF HIGHWAYS

The parties stipulated as follows: During the period between June 10, 2011 and July 11, 2011, the Claimant, Sonja S. Bass, was involved in three incidents which occurred while traveling along W. Va. Route 61 near Robson, Fayette County. During these incidents, the Claimant's 2010 Subaru Impreza struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 61, which it failed to maintain properly on the date of this incident. As a result of these incidents, Claimant's vehicle sustained damages in the total amount of \$553.45. Although Claimant's insurance requires a \$250.00 deduction, none of the bills for each of the incidents exceeds this amount; therefore, Claimant may make a full recovery for the damages to her vehicle. The amount of \$553.45 is fair and reasonable.

AMOUNT CLAIMED: \$553.45

AMOUNT AWARDED: \$553.45

CC-12-0030 CHRISTY BEVERIDGE V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 3, 2011, Claimant, Christy Beveridge, was traveling along Tom's Run and Waymans Ridge near Moundsville, Marshall County, when her 2005 GMC Yukon struck metal posts on the berm of the road. Respondent was responsible for the maintenance of the roadway, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$201.74. Claimant's collision insurance requires a \$250.00 deductible amount; therefore, no limitation applies to Claimant's award. The amount of \$201.74 is fair and reasonable.

AMOUNT CLAIMED: \$201.74

AMOUNT AWARDED: \$201.74

CC-06-0374 JOHN W. BITTINGER V. DIVISION OF HIGHWAYS

The parties stipulated as follows: Respondent is responsible for the maintenance of a public roadway known as Harmon Creek Road in Brooke County, West Virginia. On or around December 14, 2004, John W. Bittinger was operating his motor vehicle on Harmon Creek Road in or near Colliers in Brooke County, West Virginia. Claimants allege that the proximate cause of John W. Bittinger's accident was that the portion of Harmon Creek Road in Colliers where the accident occurred was uneven and in an unsafe, hazardous and defective condition on the day of the accident. Under the specific facts and circumstances of this claim and for purposes of settlement of said claim, Respondent does not dispute the allegations contained in Paragraph 3 of this stipulation. John W. Bittinger was injured as a result of the accident and required medical treatment for his injuries. Norma Barnett (formally known as Norma Bittinger and former wife of John W. Bittinger) contends that she suffered a loss of spousal consortium as a result of the injuries suffered by John W. Bittinger in the accident that occurred on December 14, 2004. Both the Claimants and Respondent believe that in this particular incident and under these particular circumstances that a total award of Ninety Thousand Dollars (\$90,000.00) would be a fair and reasonable amount to settle this claim. John W. Bittinger and Norma Barnett have agreed that John W. Bittinger should receive Eighty-One Thousand Dollars (\$81,000.00) out of the total award of Ninety Thousand Dollars (\$90,000.00) as compensation for his injuries. Norma Barnett and John W. Bittinger have agreed that Norma Barnett should receive Nine Thousand Dollars (\$9,000.00) out of the total award of Ninety Thousand Dollars (\$90,000.00) as compensation for her loss of spousal consortium. The parties to this claim agree that the total sum of Eighty-One Thousand Dollars (\$81,000.00) to be paid by Respondent to Claimant John W. Bittinger and the total sum of Nine Thousand Dollars (\$9,000.00) to be paid by Respondent to Claimant Norma Barnett in Claim No. CC-06-0374 will be a full and complete satisfaction of any and all past and future claims Claimants may have against Respondent, for any reason, arising from the matters described in said claim.

AMOUNT CLAIMED: Unliquidated

AMOUNT AWARDED: \$81,000.00

CC-12-0093 SARA N. BLACK V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 25, 2012, Claimant, Sara Black, was traveling along Roberts Ridge near Moundsville, Marshall County, when her 2012 Ford Fusion struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Roberts Ridge, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$535.46. The Claimant's collision insurance requires a \$500.00 deductible amount; therefore, Claimant is limited to an award in the amount of her deductible. The amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$535.46

AMOUNT AWARDED: \$500.00

CC-11-0282 TARI L. BLANCHARD V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 18, 2011, Claimant, Tari L. Blanchard, was traveling along Interstate 70 in Wheeling, Ohio County, when her 2003 Pontiac Grand Am struck a large hole in the travel portion of the roadway. Respondent was responsible for the maintenance of Interstate 70, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$307.87. The Claimant's collision insurance requires a \$1,000.00 deductible amount; therefore, no limitation applies to the Claimant's award. The amount of \$307.87 is fair and reasonable.

AMOUNT CLAIMED: \$307.87

AMOUNT AWARDED: \$307.87

CC-10-0616 ROBERT BOOKER V. DIVISION OF HIGHWAYS

Claimant, Robert Booker, brought this action for medical bills and pain and suffering for injuries sustained while attempting to traverse the Dunbar Bridge on foot. Despite Respondent's own negligence, the Court is also of the opinion that Mr. Booker at least knew or should have known about the dangerous condition of the sidewalk based on the frequency that he crossed the Dunbar Bridge. In a comparative negligence jurisdiction such as West Virginia, the claimant's negligence may reduce or bar recovery in a claim. Based on the above, the Court finds that the Claimant's negligence equals twenty-percent (35%) of his loss. Since the negligence of the Claimant is not greater than or equal to the negligence of the Respondent, the Claimant may recover eighty-percent (65%) of the loss sustained. Therefore, the Court agrees that an award of \$10,378.03 is a fair and reasonable amount to compensate Mr. Booker for his injuries.

AMOUNT CLAIMED: Unliquidated

AMOUNT AWARDED: \$10,378.03

CC-11-0361 GEORGE BOSSIE III V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 12, 2011, the Claimant, George Bossie III, was traveling along State Route 60 near Montgomery, Kanawha County, when his 2008 BMW 328i struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of State Route 60, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$1,675.81. However, the Claimant's insurance requires a \$1,000.00 deduction; therefore, the Claimant's award is limited to \$1,000.00. The amount of \$1,000.00 is fair and reasonable.

AMOUNT CLAIMED: \$1,675.81

AMOUNT AWARDED: \$1,000.00

CC-11-0417 DANIEL JAMES BOWES V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 18, 2011, the Claimant, Daniel James Bowen, was traveling along State Route 60 near East Bank, Kanawha County, when his 2007 Mazda 3 struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of State Route 60, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$348.28. The Claimant carried an insurance deduction of \$1,500.00 at the time of the incident; therefore, no limitation will apply to an award in this instance. The amount of \$348.28 is fair and reasonable.

AMOUNT CLAIMED: \$348.28

AMOUNT AWARDED: \$348.28

CC-11-0500 PENELOPE A. BRANDENBURG V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On July 14, 2011, the Claimant, Penelope A. Brandenburg, was traveling along W. Va. Route 41 near Prince, Fayette County, when her 2006 Ford F-150 was struck by a tree limb hanging in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 41, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$291.50. The Claimant's insurance requires a \$500.00 deduction; therefore, no limitation applies to the Claimant's award. The amount of \$291.50 is fair and reasonable.

AMOUNT CLAIMED: \$291.50

AMOUNT AWARDED: \$291.50

CC-12-0063 DENEISE S. BRAY AND RAYMOND BRAY JR. V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 30, 2012, Claimant Deneise S. Bray was traveling along County Route 26 approximately half a mile from W. Va. Route 58 near Bridgeport, Harrison County, when her 2008 Dodge Caravan struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of County Route 26, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimants' vehicle sustained damage in the amount of \$297.86. The Claimants' insurance requires a \$2,500.00 deduction; therefore, no limitation applies to the Claimants' award. The amount of \$297.86 is fair and reasonable.

AMOUNT CLAIMED: \$297.86

AMOUNT AWARDED: \$297.86

CC-12-0275 AMOS BUNNER V. DIVISION OF HIGHWAYS

Claimant, Amos Bunner, brought this action for vehicle damage which occurred when his 2003 Chevrolet Silverado was struck by a tree while traveling along Cunningham Road in Pennsboro, Ritchie County. In the instant case, the Court is of the opinion that Respondent had actual notice of the tree which struck Claimant's vehicle and that the tree presented a hazard to the traveling public. The Court is satisfied with the testimony that other people had previously notified the Respondent, including a bus driver, that the tree was close to falling. Based upon the testimony, the Court finds that the negligence of Respondent was the proximate cause of the damage to Claimant's vehicle, and Claimant may make a recovery for the damage.

AMOUNT CLAIMED: \$9,5000.00

AMOUNT AWARDED: \$9,500.00

CC-11-0499 JON A. CHAFIN V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 24, 2011, the Claimant, Jon A. Chafin, was traveling along W. Va. Route 52 near Ceredo, Wayne County, when his 2010 Kia Forte struck a series of large holes in the travel portion of the road. Respondent was responsible for the maintenance of Big Lynn Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$1,113.16. The Claimant's collision insurance requires a \$1,000.00 deductible amount; therefore, Claimant is limited to an award in that amount. The Court finds that the amount of \$1,000.00 is fair and reasonable.

AMOUNT CLAIMED: \$1,113.16

AMOUNT AWARDED: \$1,000.00

CC-11-0635 WILLIAM F. CHAMBERS AND SHARON T. CHAMBERS V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 10, 2011, the Claimants, William and Sharon Chambers, were traveling west along Interstate 64 near Dunbar, Kanawha County, when their 2007 Hyundai Sonata struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Interstate 64, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimants' vehicle sustained damage in the amount of \$601.72. However, the Claimants' insurance requires a \$500.00 deduction; therefore, the Claimants' award is limited to \$500.00. The amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$601.72

AMOUNT AWARDED: \$500.00

CC-12-0153 PATRICIA CHOMA AND TRACEY WILLIAMS V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 30, 2012, Claimant, Tracey Williams, was traveling along County Route 73/12 near Morgantown, Monongalia County, when her 2011 Mercedes SL550 struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of County Route 73/12, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimants' vehicle sustained damage in the amount of \$913.93. The Claimants' insurance requires a \$500.00 deduction; therefore, the Claimants are limited to an award in the amount of the deductible. The amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$913.93

AMOUNT AWARDED: \$500.00

CC-12-0035 FRITZ CHRIST V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 1, 2012, the Claimant's daughter was traveling eastward along Interstate 64 near Charleston, Kanawha County, when Claimant's 1997 Ford Escort was struck by a dislodged sign. Respondent was responsible for the maintenance of Interstate 64 as well as for the installation of signs, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$277.60. The Claimant's insurance requires a \$500.00 deduction; therefore, no limitation applies to the Claimant's award. The amount of \$277.60 is fair and reasonable.

AMOUNT CLAIMED: \$277.60

AMOUNT AWARDED: \$277.60

CC-11-0210 JOHNITHAN CLARK V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 25, 2011, the Claimant, Johnithan Clark, was traveling along Big Lynn Road near East Lynn, Wayne County, when his 2003 Ford Mustang struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Big Lynn Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$400.00. The Claimant carried liability insurance only at the time of the incident; therefore, no limitation applies to the Claimant's award. The Court finds that the amount of \$400.00 is fair and reasonable.

AMOUNT CLAIMED: \$400.00

AMOUNT AWARDED: \$400.00



CC-11-0694 GORDON CLENDENIN V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 26, 2011, the Claimant, Gordon Clendenin, was traveling along W. Va. Route 60 near Ansted, Fayette County, when his 1992 Dodge Dynasty came in contact with a patch of ice located in the travel portion of the road. Respondent was responsible for the drainage maintenance of W. Va. Route 60, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$1,551.16. The Claimant only carried liability insurance on the date of the incident; therefore, an award to the Claimant is not limited. The amount of \$1,551.16 is fair and reasonable.

AMOUNT CLAIMED: \$1,551.16

AMOUNT AWARDED: \$1,551.16

CC-11-0628 RALPH COZAD AND BARBARA COZAD V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On October 20, 2011, Claimant Ralph Cozad was traveling along Scarce Fat Road near Mineral Wells, Wood County, when his 2005 Buick LeSabre was struck by a tree limb which fell onto the travel portion of the road. Respondent was responsible for the maintenance of Scarce Fat Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimants' vehicle sustained damage in the amount of \$1,826.29. Claimants' collision insurance requires a \$100.00 deductible amount; therefore, Claimants are limited to a recovery in the amount of \$100.00. The amount of \$100.00 is fair and reasonable.

AMOUNT CLAIMED: \$1,826.29

AMOUNT AWARDED: \$100.00

CC-11-0438 LUTHER DEMPSEY d/b/a DEMPSEY ENGINEERING COMPANY V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2011 Chevrolet Silverado was struck by a falling tree along County Route 57, also designated as Collins Ferry Road, near Morgantown, Monongalia County. In the instant case, Respondent provides a memorandum that, although very old, does suggest that municipalities have a duty to maintain the curbs within city limits. However, Respondent has not provided the Court with proof of the city's assumption of maintenance responsibilities. Even if Respondent can show that there was an agreement with the city, the right of way and the tree located on it was in such a poor condition that Respondent had an affirmative duty to correct the open and obvious risk posed by it. If Respondent had corrected the condition of the right of way, it could have sought indemnification from the City of Morgantown if such an agreement actually exists.

AMOUNT CLAIMED: \$887.00

AMOUNT AWARDED: \$887.00

CC-11-0287 LOIS MAE DICK V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 12, 2011, the Claimant, Lois Mae Dick, was traveling along W. Va. Route 2 along Main Street in Weirton, Hancock County, when her 2010 Honda Accord struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 2, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$155.82. The Claimant's insurance requires a \$50.00 deduction; therefore, an award in this claim is limited to the amount of that deductible. The amount of \$50.00 is fair and reasonable.

AMOUNT CLAIMED: \$155.82

AMOUNT AWARDED: \$50.00

CC-11-0278 LOIS MAE DICK V. DIVISION OF HIGHWAYS

Claimant, Lois Mae Dick, brought this action for vehicle damage which occurred when her 2011 Honda Accord struck a hole while traveling along W. Va. Route 2 in Wylie Ridge, Hancock County. In the instant case, the Court is of the opinion that Respondent had, at the least, constructive notice of the hole which the Claimant's vehicle struck and that the hole presented a hazard to the traveling public. Given the size of the hole, the Court finds that Respondent should have had notice and quickly maintained the area. Thus, Respondent was negligent, and Claimant may make a recovery for the damage to her vehicle in the amount of her deductible.

AMOUNT CLAIMED: \$148.61

AMOUNT AWARDED: \$50.00

CC-11-0636 MINDI L. DILLON V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 5, 2011, the Claimant, Mindi L. Dillon, was traveling along Washington Street East in Charleston, Kanawha County, when her 2001 Mitsubishi Mirage struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Washington Street, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$267.15. Claimant carried liability insurance at the time of the incident; therefore, Claimant is not limited in her recovery. The amount of \$267.15 is fair and reasonable.

AMOUNT CLAIMED: \$267.15

AMOUNT AWARDED: \$267.15

CC-12-0308 KEVIN E. DUNLAP V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 17, 2012, the Claimant, Kevin Dunlap, was traveling along Coal River Road near Saint Albans, Kanawha County, when his 2008 Chevrolet HHR struck a series of drainage holes in the travel portion of the road. Respondent was responsible for the maintenance of Coal River Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$258.60. The Claimant's collision insurance requires a \$500.00 deductible amount; therefore, no limitation applies to the Claimant's award. The Court finds that the amount of \$258.60 is fair and reasonable.

AMOUNT CLAIMED: \$258.60

AMOUNT AWARDED: \$258.60

CC-10-0662 NIKKI L. DURST V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On October 13, 2010, the Claimant, Nikki Durst, was traveling along Evans Road near Evans, Jackson County, when her 2006 Pontiac G6 struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Evans Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$834.09. Claimant carried liability insurance only at the time of the incident; therefore, no limitation applies to the Claimant's award. The Court finds that the amount of \$834.09 is fair and reasonable.

AMOUNT CLAIMED: \$834.09

AMOUNT AWARDED: \$834.09

CC-12-0011 HANNAH EAVES V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On October 25, 2011, the Claimant, Hannah Eaves, was traveling along Interstate 64 near Huntington, Cabell County, when her 2007 Chevrolet Cobalt SS struck a large bump in the travel portion of the road. Respondent was responsible for the maintenance of Interstate 64, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$3,454.65. The Claimant's collision insurance requires a \$500.00 deductible amount; therefore, Claimant is limited to a recovery in the amount of her deductible. The Court finds that the amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$3,454.65

AMOUNT AWARDED: \$500.00

CC-12-0107 SUSAN EDGEL V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 1, 2012, Claimant, Susan Edgell, was traveling along W. Va. Route 88 near Sherrard, Marshall County, when her 2010 Chevrolet Impala struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 88, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$263.22. The Claimant's collision insurance requires a \$500.00 deductible amount; therefore, no limitation applies to the Claimant's award. The amount of \$263.22 is fair and reasonable.

AMOUNT CLAIMED: \$263.22

AMOUNT AWARDED: \$263.22

CC-11-0516 JOHN M. EFAW V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On July 28, 2011, the Claimant, John Efaw, was traveling along Java Run Road near Saint Marys, Pleasants County, when his 1996 Ford Contour struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Java Run Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$1,810.00. Claimant carried liability insurance only at the time of the incident. The Court finds that the amount of \$800.00 is fair and reasonable based on the mutual agreement of the parties.

AMOUNT CLAIMED: \$1,810.00

AMOUNT AWARDED: \$800.00

CC-10-0569 JENNIFER EGNOR V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 6, 2010, the Claimant, Jennifer Egnor, was traveling along West 8<sup>th</sup> Avenue in Huntington, Cabell County, when her 1999 Dodge Grand Caravan struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of 8<sup>th</sup> Avenue, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$667.80. Claimant carried liability insurance only on the vehicle at the time of the incident. The amount of \$667.80 is fair and reasonable.

AMOUNT CLAIMED: \$667.80

AMOUNT AWARDED: \$667.80

CC-10-0422 ROBERT ELLINGTON V. DIVISION OF HIGHWAYS

The parties stipulated as follows: Respondent is responsible for the maintenance of West Virginia Route 94 (Lens Creek Road) in or near the community of Hernshaw, which is located in Kanawha County, West Virginia. Claimant alleges that due to the poor maintenance of a culvert underneath West Virginia Route 94, water backed up and flooded the basement of his home on May 14, 2010. As a result of the flood on May 14, 2010, Claimant suffered the damage and loss of a hot water tank, sump pump, Christmas decorations and other items of personal property that were stored in the basement. Under the specific facts and circumstances of this claim and for purposes of settlement of said claim, Respondent does not dispute the allegations contained in Paragraph 2 of this stipulation. Both the Claimant and Respondent agree that in this particular incident and under these particular circumstances that an award of One Thousand Five Hundred Dollars (\$1,500.00) would be a fair and reasonable amount to settle this claim. The parties to this claim agree that the total sum of One Thousand Five Hundred Dollars (\$1,500.00) to be paid by Respondent to the Claimant will be a full and complete settlement, compromise and resolution of all matters in controversy in said claim and full and complete satisfaction of any and all past and future claims Claimant may have against Respondent arising from the matters described in said claim.

AMOUNT CLAIMED: \$1,500.00

AMOUNT AWARDED: \$1,500.00

CC-11-0706 THOMAS C. FARNSWORTH V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2003 Volkswagen Passat struck a large hole while traveling along GC&P Road in Wheeling, Ohio County. In the instant case, the Court is of the opinion that Respondent had, at the least, constructive notice of the excavated hole which Claimant's vehicle struck and that the hole presented a hazard to the traveling public. Therefore, the Court finds that Respondent was negligent. Claimant may make a recovery for the damage to his vehicle.

AMOUNT CLAIMED: \$227.37

AMOUNT AWARDED: \$227.37

CC-11-0363 JEREMY I. FERRELL AND NELDA J. FERRELL V. DIVISION OF HIGHWAYS

Claimants, Jeremy and Neida Ferrell, brought this action for vehicle damage which occurred while Jeremy Ferrell (hereafter "Claimant") was traveling along W. Va. Route 60 near Shrewsbury, Kanawha County in their co-owned 2008 Ford Focus. In the instant case, the Court is of the opinion that Respondent had constructive notice of the road condition that led to the Claimants' damages. Given the frequency with which this road is traveled by the public and the severity of the impact, the Court is of the opinion that the Respondent must have known or should have known of the condition. Therefore, the Claimants should be compensated for the damage.

AMOUNT CLAIMED: \$629.71

AMOUNT AWARDED: \$500.00

CC-11-0443 PHILIP FERRELL V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 30, 2011, the Claimant, Philip Ferrell, was traveling along Doc Casto Road near Leon, Mason County, when his 2006 Volkswagen Beetle struck a series of deep ruts in the travel portion of the road. Respondent was responsible for the maintenance of Doc Casto Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$389.02. The Claimant's collision insurance requires a \$500.00 deductible amount; therefore, no limitation applies to the Claimant's award. The Court finds that the amount of \$389.02 is fair and reasonable.

AMOUNT CLAIMED: \$389.02

AMOUNT AWARDED: \$389.02

CC-11-0592 PATRICIA E. FULL AND LARRY D. FULL V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 31, 2011, the Claimant, Patricia Full, was traveling along State Run Road near Belleville, Wood County, when her 2010 Chevrolet Cobalt struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of State Run Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$3,000.00. The Claimant's collision insurance requires a \$250.00 deductible amount; therefore, Claimant is limited to an award in the amount of its collision deductible. The amount of \$250.00 is fair and reasonable.

AMOUNT CLAIMED: \$3,000.00

AMOUNT AWARDED: \$250.00

CC-12-0042 VINCENT A. GALA JR. V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 5, 2012, Claimant, Vincent A. Gala, was traveling along Wylie Ridge Road near Weirton, Hancock County, when he was forced to swerve his 2006 Mitsubishi Eclipse and in so doing, it struck a large hole in the berm of the road. Respondent was responsible for the maintenance of Wylie Ridge Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$765.88. Claimant's collision insurance requires a \$500.00 deductible amount; therefore, an award to Claimant is limited to the amount of the deductible. The amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$765.88

AMOUNT AWARDED: \$500.00

CC-11-0567 JAMES GANTZER V. DIVISION OF HIGHWAYS

The Claimant, James Gantzer, brought this action for vehicle damage which occurred when his 1995 Ford Mustang GT struck a hole while driving along 12<sup>th</sup> Street in Moundsville, Marshall County. In the instant case, the Court is of the opinion that Respondent had, at the least, constructive notice of the hole, which the Claimant's vehicle struck, and that the hole presented a hazard to the traveling public. The Court finds that the Claimant was unable to avoid the hole due to the fact that it was located in the travel portion of 12<sup>th</sup> Street. Therefore, the Claimant may make a recovery for the damage to his vehicle.

AMOUNT CLAIMED: \$410.00

AMOUNT AWARDED: \$410.00

CC-12-0283 JOHN GHIZ AND JIMMY BENSON V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 6, 2012, the Claimants, Jimmy Benson and John Ghiz, were traveling along W. Va. Route 2 near Glenwood, Mason County, when their 2002 Hugh TL trailer was struck by a loose piece of steel from a bridge crossing. Respondent was responsible for the maintenance of W. Va. Route 2, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimants' vehicle sustained damage in the amount of \$1,556.00. The Claimants carried liability insurance only; therefore, no limitation applies to the Claimants' award. The Court finds that the amount of \$1,556.00 is fair and reasonable.

AMOUNT CLAIMED: \$1,556.00

AMOUNT AWARDED: \$1,556.00

CC-12-0039 DANIEL L. HADLEY V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 17, 2012, the Claimant, Daniel L. Hadley, was traveling along W. Va. Route 50 near Salem, Harrison County, when his 2000 Saturn LS2 struck a large rock in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 50, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$5,735.23. Claimant carried liability insurance at the time of the incident; therefore, no limitation applies to an award in this claim. The parties agree that the amount of \$3,100.00 is fair and reasonable compensation for the total loss of Claimant's vehicle.

AMOUNT CLAIMED: \$5,735.23

AMOUNT AWARDED: \$3,100.00

CC-10-0624 JOSEPH C. HANNA V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 16, 2010, the Claimant, Joseph C. Hanna, was traveling along W. Va. Route 20 near Hastings, Wetzel County, when his 2004 Ford Mustang struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 20, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$312.99. The Claimant's insurance requires a \$1,000.00 deduction; therefore, no limitation applies to the Claimant's award. The amount of \$312.99 is fair and reasonable.

AMOUNT CLAIMED: \$312.99

AMOUNT AWARDED: \$312.99

CC-11-0526 DANIELLE HANSHEW V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On July 21, 2011, the Claimant, Danielle Hanshew, was traveling along W. Va. Route 20 near Rainelle, Greenbrier County, when her 2005 Pontiac G6 struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 20, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$565.97. The Claimant's insurance requires a \$500.00 deduction; therefore, an award to the Claimant is limited to the amount of the deductible. The amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$565.97

AMOUNT AWARDED: \$500.00

CC-11-0332 SHAWN HARBISON V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 5, 2011, the Claimant, Shawn Harbison, was traveling along Robert C. Byrd Drive, also known as W.Va. Rt. 16, in Beckley, Raleigh County, when his 1998 Cadillac Seville STS struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Robert C. Byrd Drive, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$349.00. The Claimant's insurance requires a \$500.00 deduction; therefore, no limitation applies to the Claimant's award. The amount of \$349.00 is fair and reasonable.

AMOUNT CLAIMED: \$349.00

AMOUNT AWARDED: \$349.00



CC-11-0384 HOLLY HARDESTY V. DIVISION OF HIGHWAYS

Claimant, Holly Hardesty, brought this action for vehicle damage which occurred when her 2011 Subaru Legacy struck a hole while traveling along The Mileground in Morgantown, Monongalia County. In the instant case, the Court is of the opinion that Respondent had, at the least, constructive notice of the hole which the Claimants' vehicle struck and that the hole presented a hazard to the traveling public. Since there were numerous holes on this road, and since Respondent has admitted to this Court that it had performed numerous maintenance tasks with the use of cold-patch, there can be no doubt that Respondent was put on notice. Thus, Claimant may make a recovery for the damage to her vehicle.

AMOUNT CLAIMED: \$860.31

AMOUNT AWARDED: \$250.00

CC-11-0525 ALBERT J. HARDY AND LORENA L. HARDY V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 4, 2011, one of the Claimants, Lorena L. Hardy, was traveling along Ten Mile Road approximately two miles from W. Va. Route 20 near Wallace, Harrison County, when her 1997 Buick Century struck a series of large holes in the travel portion of the roadway. Respondent was responsible for the maintenance of Ten Mile Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimants' vehicle sustained damage in the amount of \$313.49. The Claimants only carried liability insurance on the date of the incident; therefore, they are not limited in the amount that they may recover. The amount of \$313.49 is fair and reasonable.

AMOUNT CLAIMED: \$313.49

AMOUNT AWARDED: \$313.49

CC-11-0022 RANDY C. HARPER V. DIVISION OF HIGHWAYS

The Claimant, Randy C. Harper, brought this action for vehicle damage which occurred when his 2007 Honda Civic struck a drainage grate while driving along Harrison Avenue in Elkins, Randolph County. In the instant case, the Court is of the opinion that the Respondent had, at the least, constructive notice of the hole which the Claimant's vehicle struck and that the hole presented a hazard to the traveling public. The Court finds that the Claimant was unable to avoid the hole due to the fact that it was located in such close proximity to Harrison Avenue. Therefore, the Claimant may make a recovery for the damage to his vehicle.

AMOUNT CLAIMED: \$678.63

AMOUNT AWARDED: \$500.00

CC-12-0001 DR. EVELYN L. HARRIS V. DIVISION OF HIGHWAYS

Claimant, Dr. Evelyn L. Harris, brought this action for vehicle damage which occurred when her 2010 Volvo C30 struck an iron stake holder while traveling along Kanawha Boulevard in Charleston, Kanawha County. In the instant case, the Court is of the opinion that Respondent had, at the least, constructive notice of the holders which the Claimants' vehicle struck and that the exposed condition presented a hazard to the traveling public. Given the numerous examples along Kanawha Boulevard of properly covered holders and the location's proximity to the capitol, the Court finds that Respondent should have been aware of the condition. Thus, Claimant may make a recovery for the amount of her deductible.

AMOUNT CLAIMED: \$1,275.89

AMOUNT AWARDED: \$1,000.00

CC-10-0555 ROGER A. HAYNES V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 1997 Lincoln Town Car struck a construction barrel while he was traveling along Interstate 64 in Huntington, Cabell County. In the instant case, the Court is of the opinion that Respondent had, at the least, constructive notice of the barrel which Claimant's vehicle struck and that the condition presented a hazard to the traveling public. Since the barrel was placed at a location that impeded the travel portion of the roadway, the Court finds that Respondent was negligent. Thus, Claimant may make a recovery for the damage to his vehicle.

AMOUNT CLAIMED: \$214.12

AMOUNT AWARDED: \$214.12

CC-11-0462 JEREMY HERBACK V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 4, 2011, the Claimant, Jeremy Herback, was traveling along Lodgeville Road near Bridgeport, Harrison County, when his 2008 Jeep Grand Cherokee struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Lodgeville Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$500.00. The Claimant's insurance requires a \$500.00 deduction. The amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$500.00

AMOUNT AWARDED: \$500.00

CC-11-0692 ROBERT JAY HITE V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 29, 2011, the Claimant, Robert Jay Hite, was traveling along Mount Clare Road near Clarksburg, Harrison County, when his 2009 Hyundai Accent struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Mount Clare Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$328.96. The Claimant's insurance requires a \$500.00 deduction; therefore, no limitation applies to the Claimant's award. The amount of \$328.96 is fair and reasonable.

AMOUNT CLAIMED: \$328.96

AMOUNT AWARDED: \$328.96

CC-12-0110 CONNIE HOBBS AND PHILLIP HOBBS V. DIVISION OF HIGHWAYS

Claimants, Phillip and Connie Hobbs, brought this action for vehicle damage which occurred when their 2011 Subaru Legacy struck a hole as Connie Hobbs was driving south along State Route 73 in Fairmont, Marion County. In the instant case, the Court is of the opinion that the Respondent had, at the least, constructive notice of the hole which the Claimants' vehicle struck and that the hole presented a hazard to the traveling public. Since there were numerous holes on this road, and the Respondent does not deny this, the Court finds that the Respondent was negligent. Thus, the Claimants may make a recovery for the damage to their vehicle. Since the Claimants carried a \$500.00 insurance deduction, the Court finds that the amount of \$500.00 is the only amount recoverable by the Claimants.

AMOUNT CLAIMED: \$770.80

AMOUNT AWARDED: \$500.00

CC-12-0117 DARLENE HOWELL V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 22, 2012, the Claimant, Darlene Howell, was traveling along W. Va. Route 152 near Lavalette, Wayne County, when her 2006 Hyundai Elantra struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 152, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$250.49. The Claimant's collision insurance requires a \$1,500.00 deductible amount; therefore, no limitation applies to the Claimant's award. The Court finds that the amount of \$250.49 is fair and reasonable.

AMOUNT CLAIMED: \$250.49

AMOUNT AWARDED: \$250.49

CC-11-0545 DEBORAH L. HOWELL V. DIVISION OF HIGHWAYS

Claimant, Deborah Howell, brought this action for vehicle damage which occurred when her 2011 Honda CR-V struck a large hole when Emily Jade Babbitt was driving the vehicle on Staunton Avenue in Parkersburg, Wood County. In the instant case, the Court is of the opinion that Respondent had, at the least, constructive notice of the hole which the Claimant Deborah Howell's vehicle struck and that the hole presented a hazard to the traveling public. Since Respondent forced traffic to use one lane along Staunton Avenue, it should have been aware of the condition and taken corrective action to prevent damage to the traveling public's vehicles. Therefore, the Court finds that Respondent's negligence was the proximate cause of Claimants' damage, and Claimant may make a recovery for the damage to her vehicle in an amount not to exceed the amount of her deductible.

AMOUNT CLAIMED: \$1,487.29

AMOUNT AWARDED: \$1,000.00

CC-12-0031 RICHARD C. HOY AND HARRIET L. HOY V. DIVISION OF HIGHWAYS

The Claimants, Richard and Harriet Hoy, brought this action for vehicle damage which occurred when their 2010 Acura TL struck a hole while driving along MacCorkle Avenue in Charleston, Kanawha County. In the instant case, the Court is of the opinion that Respondent had, at the least, constructive notice of the hole which the Claimants' vehicle struck and that the hole presented a hazard to the traveling public. The Court finds that the Claimants were unable to avoid the hole due to the fact that it encompassed the entire travel portion of MacCorkle Avenue. Therefore, the Claimants may make a recovery for the damage to their vehicle in the amount of their collision deductible or the amount of their damages, whichever is less.

AMOUNT CLAIMED: \$286.01

AMOUNT AWARDED: \$286.01

CC-12-0120 SHAWN M. HUTCHINSON V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 9, 2012, the Claimant, Shawn M. Hutchinson, was traveling along U.S. Route 60 near Glasgow, Kanawha County, when his 2012 Toyota Camry struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of U.S. Route 60, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$706.00. The Claimant's insurance requires a \$500.00 deduction; therefore, the Claimant is limited to an award equal to his deductible. The amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$706.00

AMOUNT AWARDED: \$500.00

CC-11-0597 LEWIS DEAN JOHNSON V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 28, 2011, the Claimant, Lewis Johnson, was traveling along the W. Va. Route 47 Exit of I-77 near Davisville, Wood County, when his 2010 Chevrolet pickup truck struck a hidden and abandoned road sign post. Respondent was responsible for the maintenance of the roadway, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$205.00. The Claimant's collision insurance requires a \$500.00 deductible amount; therefore, no limitation applies to the Claimant's award. The amount of \$205.00 is fair and reasonable.

AMOUNT CLAIMED: \$205.00

AMOUNT AWARDED: \$205.00

CC-11-0529 ANITA JONES V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 1, 2011, the Claimant, Anita Jones, was traveling along Hartman Lane near Montrose, Randolph County, when her 2005 Suzuki Reno struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Hartman Lane, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$629.76. The Claimant's insurance requires a \$500.00 deduction; therefore, an award to the Claimant is limited to the amount of the deductible. The amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$629.76

AMOUNT AWARDED: \$500.00

CC-11-0530 JACKIE E. JUDY V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 2, 2011, the Claimant, Jackie E. Judy, was traveling along George Town Road near Elkins, Randolph County, when her 2003 Chevrolet Cavalier struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of George Town Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$320.12. The Claimant carries liability insurance only on the vehicle; therefore, no limitation applies to the Claimant's award. The amount of \$320.12 is fair and reasonable.

AMOUNT CLAIMED: \$320.12

AMOUNT AWARDED: \$320.12

CC-11-0613 NATHAN KYLE KEE V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 18, 2011, the Claimant, Nathan Kee, was traveling along Bakers Fork Road near Charleston, Kanawha County, when his 1999 Chevrolet Camaro SS struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Bakers Fork Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$2,301.00. The Claimant carried only liability insurance on his vehicle at the time of the incident. The amount of \$2,301.00 is fair and reasonable.

AMOUNT CLAIMED: \$2,301.00

AMOUNT AWARDED: \$2,301.00

CC-11-0081 STACY KING V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 31, 2011, the Claimant, Stacy King, was traveling along 8<sup>th</sup> Avenue in Huntington, Cabell County, when her 2010 Volkswagen struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of 8<sup>th</sup> Avenue, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$149.44. The Claimant's collision insurance requires a \$500.00 deductible amount; therefore, no limitation applies to the Claimant's award. The Court finds that the amount of \$149.44 is fair and reasonable.

AMOUNT CLAIMED: \$149.44

AMOUNT AWARDED: \$149.44

CC-12-0051 SUSIE E. KNICELEY V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 25, 2012, the Claimant, Susie E. Kniceley, was traveling along W. Va. Route 19 near Rivesville, Marion County, when her 2002 Chevrolet Tracker struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 19, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$172.97. The Claimant only carried liability insurance on the vehicle on the date of the incident. The amount of \$172.97 is fair and reasonable.

AMOUNT CLAIMED: \$172.97

AMOUNT AWARDED: \$172.97

CC-10-0388 RICKEY DEAN LAMBERT AND DONNA D. LAMBERT V. DIVISION OF HIGHWAYS

The parties stipulated as follows: Respondent is responsible for the maintenance of West Virginia County Route 707 in or near the City of Bridgeport, which is located in Harrison County, West Virginia. Claimants allege that a ten (10) foot diameter drainage culvert maintained by Respondent that ran underneath County Route 707 collapsed prior to heavy rains that affected Harrison County on June 4, 2008. According to the Claimants, the collapse of the culvert under County Route 707 resulted in the flooding of the basement of Claimants' residence on June 4, 2008.

The flooding damaged Claimants' fully furnished basement and resulted in the loss of various items of personal property belonging to the Claimants. A contractor estimate provided by Claimants indicates that the cost to repair the damage to Claimants' property is Sixty-Seven Thousand One Hundred Fifty-Three Dollars (\$67,153.00). Claimants have received Twenty-Three Thousand Fifty Dollars and Fifty-Four Cents (\$23,050.54) from Nationwide Insurance and the Federal Emergency Management Agency (FEMA) as partial compensation for their damages. Under the specific facts and circumstances of this claim and for purposes of settlement of said claim, Respondent does not dispute the allegations of this stipulation. Both the Claimants and Respondent agree that in this particular incident and under these particular circumstances that an award of Forty Thousand Dollars (\$40,000.00) would be a fair and reasonable amount to settle this claim. The parties to this claim agree that the total sum of Forty Thousand Dollars (\$40,000.00) to be paid by Respondent to the Claimants in Claim No. CC-10-0388 will be a full and complete settlement, compromise and resolution of all matters in controversy in said claim and full and complete satisfaction of any and all past and future claims Claimants may have against Respondent arising from the matters described in said claim.

AMOUNT CLAIMED: \$67,153.00

AMOUNT AWARDED: \$40,000.00

CC-10-0284 CHARLENE LANHAM V. DIVISION OF HIGHWAYS

Claimant, Charlene Lanham, brought this action for vehicle damage which occurred when her 1999 Chrysler Sebring struck a large hole while traveling along W. Va. Route 14 in Williamstown, Wood County. In the instant case, the Court is of the opinion that Respondent had, at the least, constructive notice of the hole which the Claimant's vehicle struck and that the hole presented a hazard to the traveling public. Given the size of the hole and the time that the hole remained in the roadway without warning to other travelers, the Court finds that Respondent was the proximate cause of the damage sustained by Claimant and negligent in this instance. Thus, Claimant may make a recovery for the damage to her vehicle.

AMOUNT CLAIMED: \$939.85

AMOUNT AWARDED: \$939.85

CC-12-0123 JERRY LANTZ V. DIVISION OF HIGHWAYS

The parties stipulated as follows: In December 2011, a severe windstorm occurred in Philippi, Barbour County that resulted in the Respondent's tree falling onto a structure owned by the Claimant. Respondent was responsible for the maintenance of its property, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's garage structure sustained damage in the amount of \$200.00. The Claimant's insurance does not require a deduction; therefore, there is no limitation to the amount that the Claimant may be awarded. The amount of \$200.00 is fair and reasonable.

AMOUNT CLAIMED: \$200.00

AMOUNT AWARDED: \$200.00

CC-11-0578 FRANK LARSON V. DIVISION OF HIGHWAYS

Claimant, Frank Larson, brought this action for vehicle damage which occurred when his 1997 Ford Ranger was allegedly subjected to road conditions which caused his tires to rapidly wear. In the instant case, the Court is of the opinion that Respondent had, at the least, constructive notice that the stretch of roadway containing an old and uncorrected slip could cause unnatural wear and tear to vehicles. Given the accelerated rate of wear on Claimant's tires, the Court finds that the road condition was the cause of the damage; therefore, Claimant may make a recovery in the amount claimed.

AMOUNT CLAIMED: \$474.98

AMOUNT AWARDED: \$474.98

CC-11-0316 CHAD MICHAEL LEPORT V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 24, 2011, the Claimant, Chad Leport, was traveling along W. Va. Route 21 near Ripley, Jackson County, when his 2006 Lexus IS-250 struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 21, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$1,200.00. Claimant's collision insurance requires a \$500.00 deductible amount; therefore, an award in this claim is limited to the amount that amount. The amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$1,200.00

AMOUNT AWARDED: \$500.00

CC-12-0138 MARY E. MAINE V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 29, 2012, the Claimant, Mary E. Maine, was traveling along Mason-Dixon Highway East near Blacksville, Monongalia County, when her 2003 Subaru Legacy struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Mason-Dixon Highway, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$463.35. The Claimant's insurance requires a \$500.00 deduction; therefore, no limitation applies to the Claimant's award. The amount of \$463.35 is fair and reasonable.

AMOUNT CLAIMED: \$463.35

AMOUNT AWARDED: \$463.35



CC-09-0155 RONALD G. MARKLE V. DIVISION OF HIGHWAYS

Claimant brought this action for property damage to his residence which he alleges occurred as a result of Respondent's negligent maintenance of a drainage system along State Route 921 near Wheeling, Ohio County. Claimant asserts that water flows across State Route 921 and onto his property and contends that the water has caused damage to a retaining wall and driveway, and this damage has allowed certain portions of Claimant's property to slip and accumulate near the entry of his residence. The Court is of the opinion to, and does hereby, make an award in this claim in the amount of \$7,306.00. The Court believes that this amount is fair and reasonable compensation in light of the facts presented.

AMOUNT CLAIMED: \$8,000.00

AMOUNT AWARDED: \$7,306.00

CC-12-0073 TRISTIN MATHEWS V. DIVISION OF HIGHWAYS

Claimant, Tristan Mathews, brought this action for vehicle damage which occurred when his 2008 Chevrolet Malibu was struck by a series of small rocks while traveling along Interstate 79 near Clendenin, Kanawha County. In the instant case, the Court is of the opinion that Respondent had, at the least, constructive notice of the rocks which struck the Claimant's vehicle and that the rocks presented a hazard to the traveling public. Since there were numerous known rock falls along this stretch of road, and since Respondent has attempted to place guardrails in adjoining areas in order to prevent such occurrences, the Court finds that Respondent is liable for Claimant's damage. Thus, Claimant may make a recovery for the damage to his vehicle.

AMOUNT CLAIMED: \$2,246.60

AMOUNT AWARDED: \$2,246.60

CC-11-0209 SAM L. MAY V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 23, 2011, the Claimant, Sam May, was traveling along Walker Branch Road in Ceredo, Wayne County, when his 2007 Dodge pickup truck struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Walker Branch Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$768.88. The Claimant's collision insurance requires a \$1,000.00 deductible amount; therefore, no limitation applies to the Claimant's award. The Court finds that the amount of \$768.88 is fair and reasonable.

AMOUNT CLAIMED: \$768.88

AMOUNT AWARDED: \$768.88

CC-12-0115 SAM L. MAY V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 1, 2012, the Claimant, Sam May, was traveling along W. Va. Route 75 near Lavalette, Wayne County, when his 2007 Dodge pickup truck struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 75, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$502.00. The Claimant's collision insurance requires a \$1,000.00 deductible amount; therefore, no limitation applies to the Claimant's award. The Court finds that the amount of \$502.00 is fair and reasonable.

AMOUNT CLAIMED: \$502.00

AMOUNT AWARDED: \$502.00

CC-12-0185 PEGGY J. MAYLE V. DIVISION OF HIGHWAYS

Claimant, Peggy J. Mayle, brought this action for vehicle damage which occurred when her 2001 Ford Expedition struck loose gravel and she lost control while traveling along Georgetown Road in Roanoke, Lewis County. In the instant case, the Court is of the opinion that Respondent had, at the least, constructive notice of the loose gravel which caused Claimant's vehicle to lose control and strike an embankment and that the loose gravel presented a hazard to the traveling public. The Court finds that Respondent was aware of the frequency with which gravel in this area became washed out onto the roadway. Thus, Claimant may make a recovery for the damage to her vehicle. The Court took notice of the NADA guideline value of Claimant's vehicle and set a fair and reasonable price totaling \$7,737.00.

AMOUNT CLAIMED: \$7,737.00

AMOUNT AWARDED: \$7,737.00

CC-11-0247 BENJAMIN MAYNARD V. DIVISION OF HIGHWAYS

Claimant, Benjamin Maynard, brought this action for vehicle damage which occurred when his 2000 Ford F-150 struck a hole while performing a legal U-turn along U.S. Route 60 in Milton, Cabell County. In the instant case, the Court is of the opinion that Respondent had, at the least, constructive notice of the hole which the Claimants' vehicle struck and that the hole presented a hazard to the traveling public. Given the size of the depression in the parking area along the roadway, Respondent should have been aware of the possibility of a member of the traveling public making contact with the hole. Nevertheless, the Court agrees that Claimant is at least partially responsible for failing to adequately negotiate the U-turn. In a comparative negligence jurisdiction such as West Virginia, a claimant's negligence may reduce or bar recovery in a claim. Based on the above, the Court finds that the Claimant's negligence equals twenty-five percent (25%) of his loss. Since the negligence of the Claimant is not greater than or equal to the negligence of the Respondent, Claimant may recover seventy-five percent (75%) of the loss sustained.

AMOUNT CLAIMED: \$569.78

AMOUNT AWARDED: \$427.34

CC-11-0344 VIVIAN MAYNOR V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 27, 2011, the Claimant, Vivian Maynor, was traveling along Indian Creek Road near Pinch, Kanawha County, when her 2008 Subaru Legacy struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Indian Creek Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$626.20. The Claimant's insurance requires a \$1,000.00 deduction; therefore, the Claimant's award will not be limited in this instance. The amount of \$626.20 is fair and reasonable.

AMOUNT CLAIMED: \$626.20

AMOUNT AWARDED: \$626.20

CC-12-0036 TIMOTHY W. MCCLAIN V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 9, 2011, the Claimant, W. Timothy McClain, was traveling along County Route 36 near West Milford, Harrison County, when his 1988 Volvo 24D DL struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of County Route 36, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$512.80. The Claimant carried liability insurance only on the vehicle on the date of the incident; therefore, there is no limitation applied to the amount of an award. The amount of \$512.80 is fair and reasonable.

AMOUNT CLAIMED: \$512.80

AMOUNT AWARDED: \$512.80

CC-12-0255 CAREY MCCULLOUGH V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 10, 2012, the Claimant, Carey McCullough, was traveling along Sun Valley Road in Clarksburg, Harrison County, when her 2012 Lexus IS-250 struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Sun Valley Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$926.78. The Claimant's collision insurance requires a \$1,000.00 deductible amount; therefore, no limitation applies to the Claimant's award. The amount of \$926.78 is fair and reasonable.

AMOUNT CLAIMED: \$926.78

AMOUNT AWARDED: \$926.78

CC-13-0027 BRIDGET A. MCDONIE V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 7, 2009, the Claimant, Bridget A. McDonie, and her daughter, Gabrielle Cochran, were traveling westbound on Route 61 in a 2007 Mazda MX 5 owned by the Claimant, Bridget A. McDonie. While driving on Route 61, in Kanawha County, a mature, rotten tree that was situated on the southern roadway hillside broke off at the stump and struck the top of the vehicle driven by the Claimant. As a result of the rotten tree striking Claimant's vehicle, the Claimant Bridget A. McDonie sustained severe and debilitating permanent injuries to her spine, torso, and body. She also sustained severe and extreme emotional distress. As a direct and proximate result of the Claimant's injuries, the Claimant, Bridget A. McDonie, has sustained damages in excess of two million dollars. The hillside on which the tree was located is owned by Law River Company, LLC. The Claimants have identified potential evidence to suggest that the Respondent maintained a portion of the land that abuts and /or encompasses the subject tree that fell onto the vehicle driven by the Claimant Bridget A. McDonie. Given Claimant Bridget A. McDonie's extreme injuries and significant damages, coupled with the mutual uncertainty of the outcome of any trial, the parties agree that it is in their best interests and in the interest of judicial economy to resolve this matter for the total sum of Two Hundred Thousand Dollars (\$200,000.00) to be paid by Respondent to the Claimant Bridget A. McDonie in the above-captioned claim and that such payment shall be a full and complete settlement; Claimant Gabrielle Cochran has provided an express waiver of her individual interest in this claim; a compromise and resolution of all matters in controversy among the parties; and a full and complete satisfaction of any and all past and future claims that the Claimants may have against Respondent arising from the matters described in said claim, inclusive of all claims or demands that any heirs, beneficiaries, distributees, representatives, devisees, interested persons, wards, and the like (whether known or unknown) could assert or could have asserted against the Respondent.

AMOUNT CLAIMED: Unliquidated

AMOUNT AWARDED: \$200,000.00

CC-11-0659 MARY A. MCKINNEY V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On October 30, 2011, the Claimant, Mary A. McKinney, was traveling along Clearbrook Avenue near Bud, Wyoming County, when her 2008 Buick Lacerne CXL struck a large, newly-formed ditch. There were no warning signs for the traveling public. Respondent was responsible for the maintenance of Clearbrook Avenue, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$353.19. The Claimant's insurance requires a \$1,000.00 deduction; therefore, no limitation applies to the Claimant's award. The amount of \$353.19 is fair and reasonable.

AMOUNT CLAIMED: \$353.19

AMOUNT AWARDED: \$353.19

CC-12-0004 RANDY MCMILLION AND RITA MCMILLION V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 25, 2011, the Claimants, Randy and Rita McMillion, were traveling along Interstate 79 near Clendenin, Kanawha County, when their 2011 Audi S5 struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Interstate 79, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimants' vehicle sustained damage in the amount of \$1,341.24. The Claimants' collision insurance requires a \$1,000.00 deductible amount; therefore, Claimant is limited to an award in this amount. The Court finds that the amount of \$1,000.00 is fair and reasonable.

AMOUNT CLAIMED: \$1,341.24

AMOUNT AWARDED: \$1,000.00

CC-11-0358 CHARLES D. MEADE V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 17, 2011, the Claimant, Charles D. Meade, was traveling along State Route 103 near Gary, McDowell County, when his 2003 Pontiac Vibe struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of State Route 103, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$90.10. Claimant carried only liability insurance on the vehicle at the time of the incident; therefore, he is entitled to the full amount of his claim. The amount of \$90.10 is fair and reasonable.

AMOUNT CLAIMED: \$90.10

AMOUNT AWARDED: \$90.10

CC-11-0504 CHARLES F. MEADOWS V. DIVISION OF HIGHWAYS

The parties stipulated as follows: The Respondent is responsible for the maintenance of U.S. Route 817 (Winfield Road) in or near St. Albans, which is located in Kanawha County. Claimant alleges that water running across U.S. Route 817 from his home damaged various items of personal and real property belonging to him. The primary damage the Claimant suffered was to his home air conditioning unit that had to be replaced. Under the specific facts and circumstances of this claim and for purposes of settlement of said claim, the Respondent does not dispute the allegations of this stipulation. Both the Claimant and the Respondent agree that in this particular incident and under these particular circumstances that an award of Nine Thousand Eight Hundred Twenty-Five Dollars and Forty-Three Cents (\$9,825.43) would be a fair and reasonable amount to settle this claim. The parties to this claim agree that the total sum of Nine Thousand Eight Hundred Twenty-Five Dollars and Forty-Three Cents (\$9,825.43) to be paid by the Respondent to the Claimant in Claim No. CC-11-0504 will be a full and complete settlement, compromise and resolution of all matters in controversy in said claim and full and complete satisfaction of any and all past and future claims the Claimant may have against the Respondent arising from the matters described in said claim.

AMOUNT CLAIMED: Unliquidated

AMOUNT AWARDED: \$9,825.43

CC-11-0263 ELIZABETH MELOTT V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 22, 2011, the Claimant, Elizabeth Melott, was traveling along W. Va. Route 22 near Weirton, Hancock County, when her 2011 Honda Accord struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 22, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$1,152.90. The Claimant's insurance requires a \$500.00 deduction; therefore, an award of damages in this claim is limited to the amount of the deductible. The amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$1,152.90

AMOUNT AWARDED: \$500.00

CC-12-0417 ROBERT M. MEYER V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 18, 2012, Claimant, Robert M. Meyer, was traveling along Long Run near Moundsville, Marshall County, when his 2007 Honda Shado struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Long Run, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$2,758.47. The Claimant's collision insurance requires a \$500.00 deductible amount; therefore, an award to Claimant is limited to the amount of the deductible. The amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$2,758.47

AMOUNT AWARDED: \$500.00

CC-11-0690 KATHY MINOR V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 29, 2011, the Claimant, Kathy Minor, was traveling along Rines Ridge near Moundsville, Marshall County, when her vehicle struck by a tree limb hanging in the travel portion of the road. Respondent was responsible for the maintenance of Rines Ridge, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$308.16. The Claimant's insurance requires a \$100.00 deduction; therefore, the Claimant's award is limited to the amount of the deductible. The amount of \$100.00 is fair and reasonable.

AMOUNT CLAIMED: \$308.16

AMOUNT AWARDED: \$100.00

CC-11-0583 EVELYN MONEYPENNY V. DIVISION OF HIGHWAYS

Claimant, Evelyn Money penny, brought this action for vehicle damage which occurred when her 2008 Chevrolet Impala struck a foreign object while traveling along Sycamore Road in Clarksburg, Harrison County. In the instant case, the Court is of the opinion that Respondent had, at the least, constructive notice of the concrete block which the Claimant's vehicle struck and that the object presented a hazard to the traveling public. Since Respondent has admitted to this Court that it is aware of the deleterious effect that increased oil and gas production has on our State's roads, the Court finds that Respondent was negligent. Thus, Claimant may make a recovery for the damage to her vehicle.

AMOUNT CLAIMED: \$230.04

AMOUNT AWARDED: \$230.04

CC-12-0038 TERESA MOORE V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 19, 2012, the Claimant, Teresa Moore, was traveling along Tanglewood Road, near Cross Lanes, Kanawha County, when her 2004 Dodge Stratus struck a large hole in the travel portion of the road. This area of the road had been slipping previous to the incident herein. Respondent was responsible for the maintenance of Tanglewood Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$1,009.00. On the date of the incident, Claimant carried liability insurance only; therefore, no limitation applies. The amount of \$1,009.00 is fair and reasonable.

AMOUNT CLAIMED: \$1,009.00

AMOUNT AWARDED: \$1,009.00

CC-11-0160 AARON W. MYERS AND HELEN FAY MYERS V. DIVISION OF HIGHWAYS

The Claimants brought this action for vehicle damage which occurred when their 1999 Plymouth Grand Voyager struck falling rocks while Claimant Helen Myers was traveling along W. Va. Route 39 near Belva, Fayette County. The Court is of the opinion to and does make an award to the Claimants in this claim in the amount of \$1,936.34.

AMOUNT CLAIMED: \$1,936.34

AMOUNT AWARDED: \$1,936.34

CC-12-0025 JANET H. NEWHOUSE V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 6, 2012, the Claimant, Janet H. Newhouse, was traveling along W. Va. Route 19 and Spring Street in Fairmont, Marion County, when her 2006 Subaru Legacy struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 19, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$124.57. The Claimant's insurance requires a \$500.00 deduction; therefore, no limitation applies to the Claimant's award. The amount of \$124.57 is fair and reasonable.

AMOUNT CLAIMED: \$124.57

AMOUNT AWARDED: \$124.57

CC-12-0266 O. KERMIT NULL V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 19, 2012, the Claimant, O. Kermit Null, was traveling along Main Avenue near Nitro, Kanawha County, when his 2009 Mercedes Benz struck a large drainage hole in the travel portion of the road. Respondent was responsible for the maintenance of Main Avenue, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$572.50. The Claimant's insurance requires a \$1,000.00 deduction; therefore, no limitation applies to the Claimant's award. The amount of \$572.50 is fair and reasonable.

AMOUNT CLAIMED: \$572.50

AMOUNT AWARDED: \$572.50

CC-12-0152 SYLVIA JANE OAKES V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 26, 2012, the Claimant, Sylvia Jane Oakes, was traveling along W. Va. Route 61 (locally known as MacCorkle Avenue) near South Charleston, Kanawha County, when her 2002 Chevrolet Tracker struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 61, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$1,340.07. The Claimant's insurance requires a \$500.00 deduction; therefore, the Claimant is limited to an award in the amount of her deductible. The amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$1,340.07

AMOUNT AWARDED: \$500.00

CC-12-0099 MARK D. PANEPINTO V. DIVISION OF HIGHWAYS

Claimant, Mark D. Panepinto, brought this action for vehicle damage which occurred when his 2008 Mercedes S550 struck a hole while traveling along GC&P Road in Wheeling, Ohio County. In the instant case, the Court is of the opinion that Respondent had, at the least, constructive notice of the excavated hole which Claimant's vehicle struck and that the hole presented a hazard to the traveling public. Therefore, the Court finds that Respondent was negligent. Claimant may make a recovery for the damage to his vehicle.

AMOUNT CLAIMED: \$6,123.34

AMOUNT AWARDED: \$6,123.34



CC-10-0271 WESLEY PARMER V. DIVISION OF HIGHWAYS

The parties stipulated as follows: Respondent is responsible for the maintenance of West Virginia Route 55 in Hardy County, West Virginia. On or around September 14, 2008, Wesley Parmer was operating his motorcycle on West Virginia Route 55 in Hardy County, when he lost control of his vehicle because of loose gravel on the roadway in an area of the road where Respondent had recently performed berm work. Claimant alleges on the day of the accident that Respondent had at least constructive notice of the loose gravel in the road, that Respondent had failed to remove the loose gravel from the road and that Respondent had failed to provide appropriate signage close enough to the location of the accident to advise the traveling public of the condition of the road at that location. Under specific facts and circumstances of this claim and for purposes of settlement of said claim, Respondent does not dispute the allegations of this stipulation. Wesley Parmer was injured as a result of the accident and required medical treatment for his injuries. Both the Claimant and Respondent believe that in this particular incident and under these particular circumstances that an award of One Hundred Twenty-Five Thousand Dollars (\$125,000.00) would be a fair and reasonable amount to settle this claim. The parties to this claim agree that the total sum of One Hundred Twenty-Five Thousand Dollars (\$125,000.00) to be paid by Respondent to the Claimant will be a full and complete settlement, compromise and resolution of all matters in controversy in said claim and full and complete satisfaction of any and all past and future claims Claimant may have against Respondent arising from the matters described in said claim.

AMOUNT CLAIMED: Unliquidated

AMOUNT AWARDED: \$125,000.00

CC-12-0171 DONALD G. PARSONS V. DIVISION OF HIGHWAYS

The Claimant, Donald G. Parsons, brought this action for vehicle damage which occurred when his 1994 Mitsubishi Galant struck a hole while driving along MacCorkle Avenue in Charleston, Kanawha County. In the instant case, the Court is of the opinion that Respondent had, at the least, constructive notice of the hole which the Claimant's vehicle struck and that the hole presented a hazard to the traveling public. The Court finds that the Claimant was unable to avoid the hole due to the fact that it encompassed the entire travel portion of MacCorkle Avenue. Therefore, the Claimant may make a full recovery for the damage to his vehicle.

AMOUNT CLAIMED: \$266.21

AMOUNT AWARDED: \$266.21

CC-11-0439 DR. EMMITT C. PATTERSON V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 20, 2011, and June 15, 2011, the Claimant, Dr. Emmitt C. Patterson, was traveling along W. Va. Route 61 near Montgomery, Kanawha County, when his 2003 Cadillac Escalade struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 61, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$230.00. The Claimant's insurance requires a \$500.00 deduction; therefore, no limitation applies to the Claimant's award. The amount of \$230.00 is fair and reasonable.

AMOUNT CLAIMED: \$230.00

AMOUNT AWARDED: \$230.00

CC-11-0315 JACK L. PENNINGTON AND JANET S. PENNINGTON V. DIVISION OF HIGHWAYS

The parties stipulated as follows: Respondent is responsible for the maintenance of Tyler View Drive in or near the community of Cross Lanes, which is located in Kanawha County. Claimants, who live in Cross Lanes along Tyler View Drive, allege that their property suffered damage in the form of sink holes due to a rusted-out culvert that ran underneath the portion of Tyler View Drive adjacent to their property. Under the specific facts and circumstances of this claim and for purposes of settlement of said claim, Respondent does not dispute the allegations contained in this stipulation. Both the Claimants and Respondent agree that in this particular incident and under these particular circumstances that an award of Eleven Thousand Eight Hundred Dollars (\$11,800.00) would be a fair and reasonable amount to settle this claim. The parties to this claim agree that the total sum of Eleven Thousand Eight Hundred Dollars (\$11,800.00) to be paid by Respondent to Claimants in Claim No. CC-11-0315 will be a full and complete settlement, compromise and resolution of all matters in controversy in said claim and full and complete satisfaction of any and all past and future claims Claimants may have against Respondent arising from the matters described in said claim.

AMOUNT CLAIMED: Unliquidated

AMOUNT AWARDED: \$11,800.00

CC-11-0430 DANNY PLYBON AND LINDA PLYBON V. DIVISION OF HIGHWAYS

Claimants, Danny and Linda Plybon, brought this action for property damage which occurred when their home of twenty-seven years flooded as a result of a collapsed culvert along Whites Creek Road near Prichard, Wayne County. In the instant case, the Court is finds that Respondent not only had notice of the collapsed culvert, it should have been foreseeable that a large rain event would cause flooding to occur along Claimants' property. Claimants lived on the same property for twenty-seven years and had never sustained flooding of this magnitude until the culvert at issue collapsed. Therefore, Respondent was negligent in failing to adequately maintain the culvert. At a hearing on this matter, the Court reduced the amount of damages to reflect a total of \$5,159.44, because Claimants had inadvertently added the cost of replacing a furnace twice. The Court finds that the reduced amount is fair and reasonable compensation to Claimants.

AMOUNT CLAIMED:\$10,000.00

AMOUNT AWARDED: \$5,159.44

CC-12-0148 CHARLES P. PUGLISI V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 5, 2012, Claimant, Charles P. Puglisi, was traveling along Interstate 68 near Sabraton, Monongalia County, when his 2004 Honda Accord struck a construction barrel in the travel portion of the road. Respondent was responsible for the maintenance of Interstate 68, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$1,624.45. The Claimant's collision insurance requires a \$250.00 deductible amount; therefore, an award to Claimant is limited to the amount of his deductible. The amount of \$250.00 is fair and reasonable.

AMOUNT CLAIMED: \$1,624.45

AMOUNT AWARDED: \$250.00

CC-12-0066 PATTY L. PULLIAM V. DIVISION OF HIGHWAYS

The Claimant, Patty Pulliam, brought this action for vehicle damage which occurred when her 2006 Mitsubishi Eclipse struck a hole while driving along MacCorkle Avenue in Charleston, Kanawha County. In the instant case, the Court is of the opinion that Respondent had, at the least, constructive notice of the hole which the Claimant's vehicle struck and that the hole presented a hazard to the traveling public. The Court finds that the Claimant was unable to avoid the hole due to the fact that it encompassed the entire travel portion of MacCorkle Avenue. Therefore, the Claimant may make a full recovery for the damage to her vehicle.

AMOUNT CLAIMED: \$1,179.51

AMOUNT AWARDED: \$1,179.51

CC-11-0534 RICHARD RAMSEY V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On July 6, 2011, the Claimant, Richard Ramsey, was traveling along West Main Street in St. Albans, Kanawha County, when his 2010 Volkswagen Jetta struck a large hole situated along the white edge line. Respondent was responsible for the maintenance of West Main Street, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$446.52. The Claimant's insurance requires a \$500.00 deduction. The amount of \$446.52 is fair and reasonable.

AMOUNT CLAIMED: \$446.52

AMOUNT AWARDED: \$446.52

CC-12-0252 GLEN E. RATLIFF V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 13, 2012, the Claimant, Glen E. Ratliff, was traveling along U.S. Route 60 near Riverside, Kanawha County, when his 2000 Lincoln LS struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of U.S.. Route 60, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$1,350.77. Claimant's award is limited to the amount of the deductible.

AMOUNT CLAIMED: \$500.00

AMOUNT AWARDED: \$500.00

CC-10-0677 TONIA REED V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 30, 2010, the Claimant, Tonia Reed, was traveling along Interstate 77 near Parkersburg, Wood County, when her 2006 Pontiac Grand Prix struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Interstate 77, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$317.00. The Claimant's collision insurance requires a \$250.00 deductible amount; therefore, Claimant is limited to an award in the amount of her deductible. The Court finds that the amount of \$250.00 is fair and reasonable.

AMOUNT CLAIMED: \$317.00

AMOUNT AWARDED: \$250.00

CC-11-0609 SHARON REID V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 18, 2011, the Claimant, Sharon Reid, was traveling along W. Va. Route 20 near Clarksburg, Harrison County, when her 1989 Oldsmobile SW struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 20, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained a total loss in the amount of \$318.00. The Claimant only carried liability insurance at the time of the incident. The amount of \$318.00 is fair and reasonable.

AMOUNT CLAIMED: \$318.00

AMOUNT AWARDED: \$318.00

CC-11-0449 DONNA J. RICHARDS V. DIVISION OF HIGHWAYS

Claimant, Donna J. Richards, brought this action for vehicle damage which occurred while traversing W. Va. Route 62 near Cottageville, Jackson County in her 2005 Kia Sedona. In the instant case, the Court is of the opinion that Respondent had actual notice of the road condition that led to the Claimant's damages. From the time that the road signs were removed, it should have been obvious that the stakes remained and that a motorist might foreseeably use the berm in the course of travel, and that these stakes would damage any vehicle that came into contact with it. Therefore, the Claimant should be compensated for the damage to her vehicle as well as the cost incurred by her in her efforts to warn other motorists.

AMOUNT CLAIMED: \$137.69

AMOUNT AWARDED: \$137.69

CC-09-0433 FELICIA CHRISTIAN ROBERTS V. DIVISION OF HIGHWAYS

The parties stipulated as follows: Respondent is responsible for the maintenance of the portion of U.S. Route 52 in Mingo County, West Virginia, where Felicia Christian Roberts' (formerly known as Felicia Christian) accident occurred. On or around May 10, 2009, Felicia Christian Roberts was driving her motor vehicle north on U.S. Route 52 in or near the community of Pie in Mingo County, when she drove into a mudslide that covered both sides of the road. Claimants allege that Respondent had placed no warning lights, caution lights or any other form of notice concerning the mudslide even though the slide had occurred several hours prior to the Claimant's accident. Under the specific facts and circumstances of this claim and for purposes of settlement of said claim, Respondent does not dispute the allegations contained in Paragraph 3 of this stipulation. As a result of the accident, Felicia Christian Roberts suffered injuries requiring medical treatment and suffered the loss of her motor vehicle. Keith Christian, who is the father of Felicia Christian Roberts, waives any claim for damages arising out of the accident in this case. All settlement money to be awarded in this claim is to be awarded to Felicia Christian Roberts. Both the Claimants and Respondent agree that in this particular incident and under these particular circumstances that an award of \$18,000.00 would be a fair and reasonable amount to settle this claim. The Court has determined that this amount will be fair and reasonable to the Claimant.

AMOUNT CLAIMED: Unliquidated

AMOUNT AWARDED: \$18,000.00

CC-10-0386 ANITA J. ROBERTSON V. DIVISION OF HIGHWAYS

The Claimant, Anita J. Robertson, brought this action for vehicle damage which occurred when her 2007 Ford Focus struck a hole while she was driving along Interstate 64 near Kenova, Wayne County. In the instant case, the Court is of the opinion that Respondent had, at the least, constructive notice of the hole which the Claimant's vehicle struck and that the hole presented a hazard to the traveling public. The Court finds that the Claimant was unable to avoid the hole due to the fact that it was located directly in the travel portion of the eastbound lane of Interstate 64. The fact that the hole was located on a first priority road leads Court to conclude that the Respondent was negligent. Thus, the Claimant may make a recovery for the damage to her vehicle.

AMOUNT CLAIMED: \$537.55

AMOUNT AWARDED: \$500.00

CC-11-0712 EVELYN ROBERTSON V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 19, 2011, the Claimant, Evelyn Robertson, was traveling along U.S. Route 52 near Prichard, Wayne County, when her 2005 Mazda 6 struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of U.S. Route 52, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$1,226.06. The Claimant's collision insurance requires a \$500.00 deductible amount; therefore, Claimant is limited to an award in that amount. The Court finds that the amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$1,226.06

AMOUNT AWARDED: \$500.00

CC-10-0679 AUDREY ROBINETTE AND PHILIP ROBINETTE V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 21, 2010, Claimants, Audrey and Phillip Robinette, were traveling along W. Va. Route 10 near Salt Rock, Cabell County, when their 2009 Pontiac G8 struck a negligently constructed curb in the travel portion of the road while negotiating a turn into a local business. Respondent was responsible for the maintenance of W. Va. Route 10, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimants' vehicle sustained damage in the amount of \$1,000.00. The Claimants' collision insurance requires a \$1,000.00 deductible amount; therefore, no limitation applies to Claimants' award. The amount of \$1,000.00 is fair and reasonable.

AMOUNT CLAIMED: \$1,000.00

AMOUNT AWARDED: \$1,000.00

CC-10-0644 SAHLEY REALTY CO. V. DIVISION OF HIGHWAYS

The parties stipulated as follows: Respondent is responsible for the maintenance of the roadway and its right of way on West Virginia Route 33/10 ("Roadway"). Respondent is responsible for providing reasonable drainage measures associated with the Roadway. The Claimant alleges that in maintaining the Roadway, the Respondent failed to implement reasonable and appropriate drainage discharge measures and that Respondent's conduct resulted in the erosion of a hillside and brick retaining wall located on Claimant's property. The Claimant alleges that Respondent's conduct resulted in economic damages in excess of \$220,000.00. Based on the parties' investigation, the parties to this claim agree that the total sum of Eighty Thousand Dollars (\$80,000.00) to be paid by Respondent to Claimant will be a full and complete settlement; a compromise and resolution of all matters in controversy between the parties; and a full and complete satisfaction of any and all past and future claims that the Claimant may have against Respondent arising from the matters described in said claim. The Claimant determined the settlement was fair and reasonable.

AMOUNT CLAIMED: \$220,000.00

AMOUNT AWARDED: \$80,000.00

CC-11-0155 STEVEN B. SARVER V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 10, 2011, the Claimant, Steven B. Sarver, was traveling along W. Va. Route 52 near Huntington, Cabell County, when his 2007 Honda Civic struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 52, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$116.69. The amount of \$116.69 is fair and reasonable.

AMOUNT CLAIMED: \$116.69

AMOUNT AWARDED: \$116.69

CC-11-0610 PETE SAUCHUCK AND BENITA SAUCHUCK V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 18, 2011, Claimant Benita Sauchuck was traveling along Blue Jay 6 Road near Cool Ridge, Raleigh County, when she proceeded through an intersection that did not have a stop sign in place as required. As a result, Claimant was involved in a collision with another vehicle. Respondent was responsible for the maintenance of Blue Jay 6 Road and the stop sign which was missing; therefore, Respondent failed to maintain this intersection properly on the date of this incident. As a result of this incident, Claimants' vehicle sustained damage in the amount of \$16,064.23. Respondent has agreed to stipulate to liability and damages in the amount of \$8,500.00, and Claimant has agreed to accept settlement in that amount. The Court finds that the amount of \$8,500.00 is fair and reasonable.

AMOUNT CLAIMED: \$16,064.23

AMOUNT AWARDED: \$8,500.00

CC-11-0582 TARA N. SAYRE V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 28, 2011, the Claimant, Tara N. Sayre, was traveling along State Route 35 near St. Albans, Kanawha County, when her 2002 Chevrolet Cavalier struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of State Route 35, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$783.34. The Claimant carried liability insurance only on her vehicle at the time of the incident; therefore, Claimant is not limited in her recovery. The amount of \$783.34 is fair and reasonable.

AMOUNT CLAIMED: \$783.34

AMOUNT AWARDED: \$783.34

CC-11-0461 CARL R. SEACRIST V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 29, 2011, the Claimant, Carl R. Seacrist, was traveling along Route 1 near Dorothy, Raleigh County, when his 2007 Toyota Camry struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Route 1, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$622.95. The Claimant carried a \$1,000.00 collision deductible at the time of the incident; therefore, an award will not be limited in this instance. The amount of \$622.95 is fair and reasonable.

AMOUNT CLAIMED: \$622.95

AMOUNT AWARDED: \$622.95

CC-11-0511 JULIE SHARP V. DIVISION OF HIGHWAYS

Claimant, Julie Sharp, brought this action for medical bills and pain and suffering for injuries sustained from accidentally stepping into a drainage ditch outside of a local restaurant. In the instant case, the Court is of the opinion that Respondent did owe a duty to the Claimant to maintain the ditch in a reasonable manner so as to allow water to flow through the culvert and not allow water to pool. The resulting injury to the Claimant was a foreseeable consequence of the poor maintenance, and the Respondent had at least constructive notice of the condition. Furthermore, it is not enough for the respondent to claim that the restaurant owner should have known that it was their responsibility. The Respondent offers to no proof in the form of a prior permit showing the chain of ownership. Therefore, the Court does agree that the Respondent was negligent, in part, for the dangerous condition. However, the Court also finds that the Claimant was partially at fault for her own injuries. The poor decision to cross through a water puddle contributed to the Claimant's injuries. Based on the above, the Court finds that the Claimant's negligence equals ten-percent (10%) of her loss. Since the negligence of the Claimant is not greater than or equal to the negligence of the Respondent, Claimant may recover ninety-percent (90%) of the loss sustained.

AMOUNT CLAIMED: Unliquidated

AMOUNT AWARDED: \$2,025.00

CC-12-0339 ROY G. SHAWVER V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 18, 2012, the Claimant, Roy G. Shawver, was traveling along W. Va. Route 501 near Charleston, Kanawha County, when his 2000 Jeep Cherokee Sport struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 501, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$3,348.07. The Claimant's insurance requires a \$1,000.00 deduction; therefore, the Claimant is limited to an award in an amount equal to his deductible. The amount of \$1,000.00 is fair and reasonable.

AMOUNT CLAIMED: \$3,348.07

AMOUNT AWARDED: \$1,000.00

CC-11-0472 MICHAEL H. SHOWEN V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On July 11, 2011, Claimant, Michael H. Showen, was traveling along W. Va. Route 47 near Parkersburg, Wood County, when his 2010 Chevrolet Cobalt struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 47, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$372.00. The Claimant's collision insurance requires a \$100.00 deductible amount; therefore, Claimant is limited to an award in that amount. The Court finds that the amount of \$100.00 is fair and reasonable.

AMOUNT CLAIMED: \$372.00

AMOUNT AWARDED: \$100.00



CC-12-0114 LINDA S. SING V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 1999 Ford Explorer struck a series of large holes while traveling along Roberts Ridge Road near Moundsville, Marshall County. In the instant case, the Court is of the opinion that Respondent had, at the least, constructive notice of the holes in the roadway, which the Claimant's vehicle struck, and that the holes presented a hazard to the traveling public. Since there were numerous holes on this road, and since Respondent has admitted to this Court that it was aware of the deleterious effect caused by the heavy truck hauling linked to the increased oil and gas production has had on the State's roads, the Court finds that Respondent was negligent. Thus, Claimant may make a recovery for the damage to her vehicle.

AMOUNT CLAIMED: \$656.53

AMOUNT AWARDED: \$656.53

CC-11-0627 CYNTHIA W. SKILES V. DIVISION OF HIGHWAYS

Claimant, Cynthia W. Skiles, brought this action for vehicle damage which occurred while traversing North Poplar Fork Road near Teays Valley, Putnam County in her 2005 Saab 93. In the instant case, the Court is of the opinion that the Respondent had at least constructive notice of the road condition that led to the Claimant's damages. Thus, there is sufficient evidence of negligence to base an award. Notwithstanding the negligence of the Respondent, the Court is also of the opinion that the Claimant was negligent since she stated in her testimony that she was aware of the condition on the road. In a comparative negligence jurisdiction such as West Virginia, the Claimant's negligence may reduce or bar recovery in a claim. Based on the above, the Court finds that the Claimant's negligence equals fifteen percent (15%) of her loss. Since the negligence of the Claimant is not greater than or equal to the negligence of the Respondent, the Claimant may recover seventy-five percent (75%) of the loss sustained.

AMOUNT CLAIMED: \$611.62

AMOUNT AWARDED: \$458.72

CC-11-0498 DAMON R. SMITH V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 24, 2011, the Claimant, Damon Smith, was traveling along Interstate 77 near Parkersburg, Wood County, when his 2002 Pontiac Montana was struck by a piece of cement while driving in the travel portion of the roadway. Respondent was responsible for the maintenance of Interstate 77, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$287.33. The Claimant's collision insurance requires a \$500.00 deductible amount; therefore, no limitation applies to the Claimant's award. The Court finds that the amount of \$287.33 is fair and reasonable.

AMOUNT CLAIMED: \$287.33

AMOUNT AWARDED: \$287.33

CC-11-0561 MARYLOU SMITH V. DIVISION OF HIGHWAYS

The parties stipulated as follows: In March 2011, the Claimant, Marylou Smith, was traveling along Johnson Avenue near Bridgeport, Harrison County, when her 2003 2010 Ford Fusion struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Johnson Avenue, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$653.39. The Claimant's insurance requires a \$500.00 deduction; therefore, the Claimant is limited to the amount of her deductible. The amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$653.39

AMOUNT AWARDED: \$500.00

CC-11-0423 SOUTHERN APPALACHIAN LABOR SCHOOL V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 10, 2011, John P. David, as an agent of the Claimant, was traveling along W. Va. Route 61 near Page, Fayette County, when the Claimant's 1999 SAAB struck a large hole and debris in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 61, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$67.19. The Claimant's insurance requires a \$2,500.00 deduction; therefore, no limitation applies to the Claimant's award. The amount of \$67.19 is fair and reasonable.

AMOUNT CLAIMED: \$67.19

AMOUNT AWARDED: \$67.19

CC-12-0337 THERESA M. SPANO V. DIVISION OF HIGHWAYS

Claimant, Theresa M. Spano, brought this action for medical damages and lost wages springing from an incident which occurred while driving her brother's 1984 Honda motorcycle along Middle Grave Creek in Marshall County. In the instant case, the Court is of the opinion that Respondent had, at the least, constructive notice of the holes which caused Claimant's damage, and the Court finds that these holes presented a hazard to the traveling public. The Court has reviewed the record with regard to damages and has determined that Claimant is entitled to \$50.00 for medical bills and the amount of \$194.48 for lost wages. However, Claimant has not met her burden with regard to her claim for pain and suffering. Therefore, Claimant is entitled to a recovery in the total amount of \$244.48.

AMOUNT CLAIMED: \$244.48

AMOUNT AWARDED: \$244.48

CC-11-0502 GARY ST. CLAIR AND SHEILA ST. CLAIR V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 14, 2011, Claimant, Gary St. Clair, was traveling along Route 971 near Clearfork, Wyoming County, when his 2006 Chevrolet Silverado struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Route 971, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimants' vehicle sustained damage in the amount of \$498.00. The Claimants' insurance requires a \$1,000.00 deduction; therefore, no limitation applies to the Claimants' award. The amount of \$498.00 is fair and reasonable.

AMOUNT CLAIMED: \$498.00

AMOUNT AWARDED: \$498.00

CC-11-0646 JESSICA STOCKETT V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On October 5, 2011, the Claimant, Jessica Stockett, was traveling along Hildebrand Road near Morgantown, Monongalia County, when her 2007 GMC Yukon struck a series of large holes in the travel portion of the road. Respondent was responsible for the maintenance of Hildebrand Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$350.00. The Claimant's insurance requires a \$500.00 deduction; therefore, no limitation applies to the Claimant's award. The amount of \$350.00 is fair and reasonable.

AMOUNT CLAIMED: \$350.00

AMOUNT AWARDED: \$350.00

CC-12-0084 WANDA SULLIVAN V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 27, 2012, Claimant, Wanda Sullivan, was traveling along W. Va. Route 250 near Pleasant Valley, Marshall County, when her 2008 Toyota Scion TC struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 250, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$302.00. The Claimant's collision insurance requires a \$250.00 deductible amount; therefore, an award to Claimant is limited to the amount of the deductible. The amount of \$250.00 is fair and reasonable.

AMOUNT CLAIMED: \$302.00

AMOUNT AWARDED: \$250.00

CC-12-0083 BETTY L. SWANN V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 9, 2011, the Claimant, Betty Swann, was traveling along 12<sup>th</sup> Street and Adams Avenue in Huntington, Cabell County, when her 1999 Chevrolet S10 struck an asphalt ledge in the travel portion of the road. Respondent was responsible for the maintenance of 12<sup>th</sup> Street and Adams Avenue, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$122.30. The Claimant's collision insurance requires a \$500.00 deductible amount; therefore, no limitation applies to the Claimant's award. The Court finds that the amount of \$122.30 is fair and reasonable.

AMOUNT CLAIMED: \$122.30

AMOUNT AWARDED: \$122.30

CC-11-0377 WENDY S. SWANSON V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 16, 2011, the Claimant's husband, Kevin Swanson, was traveling along Main Street (W. Va. Route 26) in Brandonville, Preston County, when her 2006 Kia Spectra struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Main Street, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$982.69. The Claimant's insurance requires a \$250.00 deduction; therefore, the Claimant is limited to an award in the amount of the deductible. The amount of \$250.00 is fair and reasonable.

AMOUNT CLAIMED: \$982.69

AMOUNT AWARDED: \$250.00

CC-11-0565 ALEXA TALKINGTON AND MELINDA TALKINGTON V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On July 11, 2011, Claimant, Alexa Talkington, was traveling along Glory Barn Road near Morgantown, Monongalia County, when her 2005 Chevrolet Cobalt struck a large asphalt mound in the travel portion of the road. Respondent was responsible for the maintenance of Glory Barn Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimants' vehicle sustained damage in the amount of \$454.61, and Claimants incurred a tow bill in the amount of \$100.00. The Claimants' insurance requires a \$500.00 collision deduction; therefore, no limitation applies to Claimants' award. The amount of \$554.61 is fair and reasonable compensation for the damage to Claimants' vehicle and for the cost of towing.

AMOUNT CLAIMED: \$554.61

AMOUNT AWARDED: \$554.61

CC-11-0403 GREGORY B. THOMPSON V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 20, 2011, the Claimant, Gregory Thompson, was traveling along Big Sandy River Road near Kenova, Wayne County, when his 2004 Honda Accord struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Big Sandy River Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$1,040.42. The Claimant's collision insurance requires a \$1,000.00 deductible amount; therefore, the Claimant is limited to an award in the amount of his deductible. The Court finds that the amount of \$1,000.00 is fair and reasonable.

AMOUNT CLAIMED: \$1,040.42

AMOUNT AWARDED: \$1,000.00

CC-12-0280 CHARLES A. TYREE V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 8, 2012, the Claimant, Charles Tyree, was traveling along W. Va. Route 50 near Ellenboro, Ritchie County, when his 2001 Subaru Forester struck a rock in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 50, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$1,452.11. The Claimant carried only liability insurance on the date of the incident; therefore, no limitation applies to the Claimant's award. The Court finds that the amount of \$1,452.11 is fair and reasonable compensation for Claimant's damage.

AMOUNT CLAIMED: \$1,452.11

AMOUNT AWARDED: \$1,452.11

CC-10-0197 BETTY Y. VANHOUTEN V. DIVISION OF HIGHWAYS

The Claimant, Beth Van Houten, brought this action for vehicle damage which occurred when her 2005 Ford 500 was struck by concrete while she was traveling along Interstate 64 near Huntington, Cabell County. In the instant case, the Court is of the opinion that Respondent had, at the least, constructive notice of the construction practices on the date of the incident and that this presented a hazard to the traveling public. Therefore, the Claimant may make a recovery for the damage to her vehicle.

AMOUNT CLAIMED: \$918.48

AMOUNT AWARDED: \$500.00

CC-11-0106 SUSANNA VILLERS V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 7, 2011, the Claimant, Susanna Villers, was traveling along County Route 4 near Proctor, Wetzel County, when her 2009 Volvo S60 struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of County Route 4, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$994.28. The Claimant's insurance requires a \$1,000.00 deduction; therefore, no limitation applies to the Claimant's award. The amount of \$994.28 is fair and reasonable.

AMOUNT CLAIMED: \$994.28

AMOUNT AWARDED: \$994.28

CC-10-0680 DANNY A. WALKER V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 1997 Ford Mustang struck a sunken portion of blacktop while traveling along Lower Mud River Road near Milton, Cabell County. In the instant case, the Court is of the opinion that Respondent had, at the least, constructive notice of the sunken roadway that Claimant's vehicle struck and that the condition of the roadway presented a hazard to the traveling public. Given the size of the depression and its location along a bridge span, there was no other means for the traveling public to avoid the condition. The Court finds that the sign was an inadequate warning of road conditions along the bridge. Thus, Claimant may make a recovery for the damage to his vehicle.

AMOUNT CLAIMED: \$1,700.00

AMOUNT AWARDED: \$1,700.00

CC-11-0548 LEON WALKER AND SHERRY WALKER V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 5, 2011, Claimant, Leon Walker, was traveling along River Hill Road near Washington, Wood County, when his 2009 Kia struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of River Hill Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimants' vehicle sustained damage in the amount of \$3,597.72. Claimants' collision insurance requires a \$250.00 deductible amount; therefore, Claimants' award is limited to the amount of the deductible in this claim. The Court finds that the amount of \$250.00 is fair and reasonable.

AMOUNT CLAIMED: \$3,597.72

AMOUNT AWARDED: \$250.00

CC-11-0259 TRAVIS W. WALKER V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 11, 2011, the Claimant, Travis W. Walker, was traveling along the intersection of State Route 61 and 94 near Marmet, Kanawha County, when his 2008 Honda Civic was struck by a falling sign located at the bottom of the Exit 9 off ramp. Respondent was responsible for the maintenance of the intersection, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$2,208.96. However, the Claimant's insurance requires a \$500.00 deduction; therefore, the Claimant's award is limited to \$500.00. The amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$2,208.96

AMOUNT AWARDED: \$500.00

CC-11-0580 BEVERLY WALLACE AND JEREMY WALLACE V. DIVISION OF HIGHWAYS

The parties stipulated as follows: In September 2011, the Claimants, Beverly and Jeremy Wallace, were traveling along the intersection of Stanaford Road and Deepwood Avenue in Beckley, Raleigh County, when their 2002 Ford Explorer struck a deep hole in the travel portion of the road. Respondent was responsible for the maintenance of the intersection, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimants' vehicle sustained damage in the amount of \$648.11. The Claimants' insurance requires a \$500.00 deduction; therefore, an award to the Claimants is limited to the amount of the deductible. The amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$648.11

AMOUNT AWARDED: \$500.00

CC-11-0102 DR. VINCENT WARDLOW V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 15, 2010, the Claimant, Dr. Vincent Wardlow, was traveling along W. Va. Route 19 near Beaver, Raleigh County, when his 2007 Ford Mustang struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 19, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$715.50. The Claimant's insurance requires a \$1,000.00 deduction; therefore, no limitation applies to the Claimant's award. The amount of \$715.50 is fair and reasonable.

AMOUNT CLAIMED: \$715.50

AMOUNT AWARDED: \$715.50

CC-10-0406 RANDY J. WARNER AND LIBBY K. WARNER V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 30, 2010, one of the Claimants, Libby Warner, was traveling along W. Va. Route 19 near Hurricane, Putnam County when her 2009 Chevrolet Malibu struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 19, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimants' vehicle sustained damage in the amount of \$909.43. The Claimants' insurance requires a \$1,000.00 collision deduction; therefore, no limitation applies to the Claimants' award. The amount of \$909.43 is fair and reasonable.

AMOUNT CLAIMED: \$909.43

AMOUNT AWARDED: \$909.43

CC-10-0669 ELLA WATSON V. DIVISION OF HIGHWAYS

Claimant, Ella Watson, brought this action for vehicle damage which occurred when her 2002 Ford Escort struck ice while traveling along W. Va. Route 10 in Salt Rock, Cabell County, which resulted in her vehicle leaving the roadway and rolling down an embankment. In the instant case, the Court is of the opinion that Respondent had actual notice of the condition of the ditch line prior to the icy condition on the roadway. Given the location of the incident, the Court finds that Respondent had a duty to adequately maintain the ditch line so as to prevent unnatural ice buildup. This is especially true since Respondent has not installed guardrails along the stretch of roadway in question.

AMOUNT CLAIMED: \$4,325.00

AMOUNT AWARDED: \$4,325.00

CC-12-0022 KEDAR WATSON V. DIVISION OF HIGHWAYS

The Claimant, Kedar Watson, brought this action for vehicle damage which occurred when his 2006 Acura TL struck a hole while driving along MacCorkle Avenue in Charleston, Kanawha County. In the instant case, the Court is of the opinion that Respondent had, at the least, constructive notice of the hole which the Claimant's vehicle struck and that the hole presented a hazard to the traveling public. The Court finds that the Claimant was unable to avoid the hole due to the fact that it encompassed the entire travel portion of MacCorkle Avenue. Therefore, the Claimant may make a recovery for the damage to his vehicle in the amount of his collision deductible.

AMOUNT CLAIMED: \$936.42

AMOUNT AWARDED: \$500.00



CC-11-0701 CHRISTOPHER WEBLEY V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 27, 2011, Claimant, Christopher Webley, was traveling along W. Va. Route 33 near Mason, Mason County, when his 2004 Volkswagen Jetta struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 33, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$889.45. The Claimant's collision insurance requires a \$500.00 deductible amount; therefore, Claimant is limited to an award in the amount of his deductible. The amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$889.45

AMOUNT AWARDED: \$500.00

CC-12-0286 JAMIE E. WEBSTER V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 17, 2012, the Claimant, Jamie Webster, was traveling along W. Va. Route 2 near Huntington, Cabell County, when her 2011 Kia Soul struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 2, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$425.34. Claimant's insurance deductible is \$500.00; therefore, the Court finds that the amount of \$425.34 is fair and reasonable.

AMOUNT CLAIMED: \$425.34

AMOUNT AWARDED: \$425.34

CC-11-0493 JEFF WELKER V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 24, 2011, the Claimant, Jeff Welker, was traveling along Berkeley Road in Culloden, Cabell County, when his 2010 Kia Coupe struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Berkeley Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$95.55. The Court finds that the amount of \$95.55 is fair and reasonable.

AMOUNT CLAIMED: \$95.55

AMOUNT AWARDED: \$95.55

CC-11-0650 RICKY WHITE V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 8, 2011, the Claimant, Ricky White, was traveling along Route 1 near Dorothy, Raleigh County, when his company vehicle was struck by a tree limb hanging in the travel portion of the road. Respondent was responsible for the maintenance of Route 1, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$289.62. The Claimant's employer does not cover its employees' work vehicles; therefore, the Claimant is responsible for the full amount of the damages. The amount of \$289.62 is fair and reasonable.

AMOUNT CLAIMED: \$289.62

AMOUNT AWARDED: \$289.62

CC-11-0558 MARVIN C. WILSON V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 22, 2011, the Claimant, Marvin C. Wilson, was traveling along County Route 23/4 near Clarksburg, Harrison County, when his 1997 Dodge Stratus struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of County Route 23/4, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$475.91. The Claimant only carried liability insurance on the vehicle on the date of the incident; therefore, an award will not be limited to the amount of a deductible. The amount of \$475.91 is fair and reasonable.

AMOUNT CLAIMED: \$475.91

AMOUNT AWARDED: \$475.91

CC-11-0127 ROGER WOODARD AND ANDREA WOODARD V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 10, 2011, the Claimants, Roger and Andrea Woodard, were traveling along W. Va. Route 60 near Culloden, Cabell County, when their 2002 Ford Focus struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 60, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimants' vehicle sustained damage in the amount of \$252.28. The Court finds that the amount of \$252.28 is fair and reasonable.

AMOUNT CLAIMED: \$252.28

AMOUNT AWARDED: \$252.28

CC-11-0191 DIANA WOODS V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 10, 2011, the Claimant, Diana Woods, was traveling along W. Va. Route 22 approximately twenty feet from Freedom Way in Weirton, Brooke County, when her 2008 Cadillac STS struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 22, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$1,241.48. The Claimant's insurance requires a \$250.00 deduction; therefore, any award to the Claimant is limited to that amount. The amount of \$250.00 is fair and reasonable.

AMOUNT CLAIMED: \$1,241.48

AMOUNT AWARDED: \$250.00

CC-12-0135 BROOKE WRIGHT AND ROBERT WRIGHT V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 20, 2012, Claimant Brooke Wright, was traveling along W. Va. Route 19 near Rivesville, Marion County, when her 2007 Volkswagen Beetle struck a series of large holes in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 19, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimants' vehicle sustained damage in the amount of \$129.32. The Claimants' insurance requires a \$500.00 deduction; therefore, no limitation applies to the Claimants' award. The amount of \$129.32 is fair and reasonable.

AMOUNT CLAIMED: \$129.32

AMOUNT AWARDED: \$129.32

CC-10-0305 AARON C. YANUZO V. DIVISION OF HIGHWAYS

Claimant, Aaron C. Yanuzo, brought this action for vehicle damage which occurred when his 2008 Ford Fusion struck a hole while traveling along Collins Ferry Road in Star City, Monongalia County. In the instant case, based upon the testimony and evidence presented, the Court is of the opinion that the Respondent had, at the least, constructive notice of the hole which the Claimant's vehicle struck and that the hole presented a hazard to the traveling public. Since the defective manhole cover was in the travel portion of the roadway, and based on the weight of evidence, the Court finds that Respondent was negligent. Thus, Claimant may make a recovery for the damage to his vehicle.

AMOUNT CLAIMED: \$1,000.00

AMOUNT AWARDED: \$1,000.00

CC-12-0069 DEBBIE YOUNG V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 4, 2012, the Claimant, Debbie Young, was traveling along W. Va. Route 19 near Hurricane, Putnam County, when her 2007 Saturn Aura struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 19, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$853.06. Since Claimant's insurance requires a \$500.00 deduction; Claimant is limited an award equal to her deductible.

AMOUNT CLAIMED: \$853.06

AMOUNT AWARDED: \$500.00

**CLAIMS AGAINST DIVISION OF MOTOR VEHICLES**

CC-11-0329 DANIEL R. ALLMAN V. DIVISION OF MOTOR VEHICLES

Claimant seeks to recover fees and other losses for a license revocation to which the Claimant maintains he should not have been subjected. In its Answer, Respondent admits the validity of the claim as well as the amount with respect to the fees and other losses in the sum of \$100.01, and states that the Agency does not have a fiscal method in which to pay and satisfy this claim. This Court is of the opinion that \$100.01 is a fair and reasonable amount to be paid to Claimant.

AMOUNT CLAIMED: \$100.01

AMOUNT AWARDED: \$100.01

CC-12-0419 VERNON NEXSEN V. DIVISION OF MOTOR VEHICLES

Claimant seeks to recover \$190.00 for the cost to release his vehicle from impoundment. In its Answer, Respondent admits the validity of the claim as well as the amount alleged with respect to the improper impoundment of Claimant's vehicle in the sum of \$190.00. The Court is aware that Respondent does not have a fiscal method for paying claims of this nature; therefore, the claim has been submitted to this Court for determination.

AMOUNT CLAIMED: \$190.00

AMOUNT AWARDED: \$190.00

CC-12-0469 TRI-STAR MOTORS INC. V. DIVISION OF MOTOR VEHICLES

Claimant seeks to recover \$2,509.00 for damages associated with the improper issuance of a vehicle title, which properly belonged to Claimant. In its Answer, Respondent admits the validity of the claim as well as the amount with respect to the damages, and states that there were sufficient funds expired in that appropriate fiscal year from which the claim could have been paid.

AMOUNT CLAIMED: \$2,509.00

AMOUNT AWARDED: \$2,509.00

**CLAIM AGAINST THE DIVISION OF VETERANS AFFAIRS**

CC-10-0564 GA BROWN & SON INC. V. DEPARTMENT OF ADMINISTRATION AND DIVISION OF VETERANS AFFAIRS

G.A. Brown & Son Inc. (“Claimant”), a duly licensed contractor operating within the State of West Virginia, brings this claim for damages arising from an alleged breach of contract by the Department of Administration and the Division of Veterans Affairs (collectively the “Respondents,” “DOA” or “WV/VA”), for payments and accrued interest due and owing under a contract involving the construction of a veterans nursing home facility located in Clarksburg, West Virginia. Claimant alleged that it was not paid for extra costs incurred during construction for steel and any steel related item at a time when costs for these items escalated beyond the control of contractors and owners. Claimant only agreed to enter into the contract for this project when officials agreed that a change order would be approved to cover these increases. When the change order was agreed to by the architect, owner, and the Claimant at the end of the project, it was denied by the Department of Administration and the Office of the Attorney General as being beyond the scope of the contract. The Court heard this claim and determined that Claimant had performed the construction project which was accepted by the owner and Claimant understood it would be compensated for these extra costs. The Court granted the claim in the amount agreed to by the parties, but denied interest.

AMOUNT CLAIMED: Unliquidated

AMOUNT AWARDED: \$582,677.32

**CLAIM AGAINST PUBLIC DEFENDER SERVICES**

CC-11-0036 DAVID R. KARR JR. V. PUBLIC DEFENDER SERVICES

Claimant, David R. Karr Jr., an Attorney at Law duly licensed in the State of West Virginia, brought this action for \$20,851.89 in unpaid legal fees. Respondent is the agency responsible for paying vouchers for legal services provided by appointed attorneys but denied Claimant’s right to receive compensation in this instance. The Court is of the opinion to allow an award to the Claimant for services rendered on behalf of client Webster and deny an award for the remaining unpaid vouchers based upon the statutory time limit.

AMOUNT CLAIMED: \$20,851.89

AMOUNT AWARDED: \$9,888.50

**CLAIMS AGAINST REGIONAL JAIL AUTHORITY**

CC-11-0546 JAMES ANGEL V. REGIONAL JAIL AUTHORITY

The Claimant, James Angel, brought this claim to recover the value of certain personal property items that he alleges were lost by the Respondent. In the present claim, the evidence adduced at the hearing established that the Claimant had indeed placed into the custody of the Respondent a pair of new shoes. The Court is of the opinion that the Respondent did not return the Claimant's shoes after his subsequent release from isolation. Therefore, the Respondent is in breach of the duty imposed by the creation of the bailment relationship. The Court finds that the amount of \$27.03 is a fair and reasonable amount in order to compensate the Claimant.

AMOUNT CLAIMED: \$27.03

AMOUNT AWARDED: \$27.03

CC-11-0055 JACK M. BOWLES JR. V. REGIONAL JAIL AUTHORITY

Claimant, Jack M. Bowles Jr., an inmate at Potomac Regional Jail, brought this claim to recover the value of certain personal property items that he alleges were converted by Respondent while being transferred from Southern Regional Jail. In the present claim, the evidence adduced at the hearing established that Claimant and Respondent had created a bailor/bailee relationship and that Respondent had a duty to return Claimant's items upon arrival at Potomac Regional Jail. Therefore, the Court finds that Respondent is liable for Claimant's missing personal property items.

AMOUNT CLAIMED: \$280.00

AMOUNT AWARDED: \$280.00

CC-12-0139 KEVIN BOXLEY V. REGIONAL JAIL AUTHORITY

Claimant, who was temporarily detained at Southwestern Adult Detention Center in Winchester, Virginia, now seeks to recover \$70.00 for unreimbursed *per diem* payments that were never returned to Claimant. In its Answer, Respondent admits the validity of the claim and that the amount is fair and reasonable. The Court is aware that Respondent does not have a fiscal method for paying claims of this nature; therefore, the claim has been submitted to this Court for determination.

AMOUNT CLAIMED: \$70.00

AMOUNT AWARDED: \$70.00

CC-10-0645 CHERYL D. GRAY V. REGIONAL JAIL AUTHORITY

Claimant, a representative of an inmate at Tygart Valley Regional Jail at the time of the incident, seeks to recover \$117.00 for a pair of shoes that were never returned. In its Answer, Respondent admits the validity of the claim and that the amount is fair and reasonable. The Court is aware that Respondent does not have a fiscal method for paying claims of this nature; therefore, the claim has been submitted to this Court for determination.

AMOUNT CLAIMED: \$117.00

AMOUNT AWARDED: \$117.00

CC-12-0067 ROBERT W. MOATS V. REGIONAL JAIL AUTHORITY

The Claimant, Robert W. Moats, brought this claim to recover the value of certain personal property items that he alleges were lost by the Respondent. In the present claim, the evidence adduced at the hearing established that the Claimant had in fact placed a ring into his property bag. The Claimant had also verbally reminded authorities to be cautious in handling his bag because of the valuable ring placed inside. The Court does find that the Claimant was given no other choice but to sign for the bag once he arrived at Tygart Valley Regional Jail despite his protestation, and the Respondent was responsible for the loss of the ring. However, while the Court does agree that a bailment was created and the Respondent is liable for the loss of the ring, a fair and reasonable value is \$380.00—not the \$1,400.00 claimed in the Claimant’s original application.

AMOUNT CLAIMED: \$1,400.00

AMOUNT AWARDED: \$380.00

CC-11-0465 MS CONSULTANTS INC. V. REGIONAL JAIL AUTHORITY

The parties stipulated as follows: On July, 11, 2011, the Claimant filed this breach of contract claim against the West Virginia Regional Jail Authority in the amount of \$275,376.75. The Claimant alleges that it is owed this sum for architectural and professional services rendered in connection with the design of the Kenneth Honey Rubenstein Juvenile Center in Davis, West Virginia. This claim arises from Claimant’s and Respondent’s mutual agreement to create a new fee schedule associated with extra work to be undertaken by Claimant in respect to a design issue arising from the presence of wetlands at the construction site. The parties desire to settle and resolve this claim in lieu of litigating this claim before the Court. The Respondent stipulates and agrees that \$200,000.00 is appropriate to settle and resolve this claim in full. The Court has reviewed the facts of the claim and finds that Respondent did breach a contractual obligation to compensate Claimant based on the agreed compensation schedule between Claimant and Respondent dated January 24, 2008. The Court further finds that the amount of damages agreed to by the parties is fair and reasonable. Therefore, Claimant may make a recovery consistent with the Stipulation.

AMOUNT CLAIMED: \$275,376.75

AMOUNT AWARDED: \$200,000.00

CC-11-0621 ADAM RUTHERS V. REGIONAL JAIL AUTHORITY

Claimant, Adam Ruthers, an inmate at Northern Regional Jail at the time of the incident, brought this claim to recover the value of certain personal property items that he alleges were never returned by Respondent after being transferred to Potomac Highlands Regional Jail. In the present claim, the evidence adduced at the hearing established that Claimant and Respondent had created a bailor/bailee relationship and that Respondent had a duty to return Claimant's items upon arrival at Potomac Highlands Regional Jail. Therefore, the Court finds that Respondent is liable for Claimant's missing items of personal property. The Court also finds that \$61.00 is a fair and reasonable amount to compensate Claimant for his lost commissary, legal documents, and photographs.

AMOUNT CLAIMED: \$61.00

AMOUNT AWARDED: \$61.00

CC-11-0571 DON TAYLOR V. REGIONAL JAIL AUTHORITY

Claimant, Don Taylor, brought this claim to recover the value of certain personal property items that he alleges were removed and converted by Respondent. In the present claim, the Court finds that Respondent was responsible for securing Claimant's property and failed to take the appropriate action to do so. Therefore, the Court is of the opinion to make an award to Claimant for the value of his shoes, stamps, and commissary items. Furthermore, \$123.80 is fair and reasonable compensation to Claimant for the loss of the items.

AMOUNT CLAIMED: \$123.80

AMOUNT AWARDED: \$123.80

**CLAIMS AGAINST STATE FIRE COMMISSION**

CC-12-0528 HOSPITALITY VENTURES LLC V. STATE FIRE COMMISSION

Claimant seeks to recover \$846.00 for lodging expenses incurred by Claimant's employees and documented by hotel invoices. In its Answer, Respondent admits the validity of the claim as well as the amount with respect to the expenses incurred in the sum of \$846.00, and states that there were sufficient funds expired in that appropriate fiscal year from which the invoice could have been paid.

AMOUNT CLAIMED: \$846.00

AMOUNT AWARDED: \$846.00



CC-11-0714 RONCEVERTE VOLUNTEER FIRE DEPARTMENT V. STATE FIRE COMMISSION

Claimant seeks to recover \$10,238.49 for its portion of state-issued funds for volunteer fire departments operating in good standing. Claimant alleges that Respondent failed to make a timely report to the State Treasurer indicating that Claimant was in good standing and that this failure kept Claimant from receiving funds for the second quarter of 2011. In its Answer, Respondent admits the validity of the claim as it was timely filed, and Respondent further agrees to the amount with respect to the funds not dispersed to claimant. The funds due were no longer available to pay claimant when the error was discovered by Respondent. This claim is to be paid from general revenue funds.

AMOUNT CLAIMED: \$10,238.49

AMOUNT AWARDED: \$10,238.49

**CLAIMS AGAINST STATE OF WEST VIRGINIA**

CC-09-0001 THOMAS WILSON CASTO V. STATE OF WEST VIRGINIA

Claimant, Thomas Wilson Casto, brings the instant claim seeking compensation from the Respondent, State of West Virginia, under the State's wrongful arrest statute. He alleges that he was wrongfully arrested and detained, and that the prosecution's undue delay resulted in a loss of liberty for which he is entitled to damages. Confident that the Claimant has met his statutory burden, the Court determines that an award should be allowed for the Claimant's loss of liberty brought about by the Respondent's undue delay in dismissing the charges against him. Based upon the limited evidence before the Court on the issue of damages, and Claimant's testimony concerning his work history, the Court determines that the amount of \$5,000.00 is fair and reasonable to compensate Claimant.

AMOUNT CLAIMED: \$750,000.00

AMOUNT AWARDED: \$5,000.00

CC-11-0566 DANIEL CARTER MATZDORFF V. STATE OF WEST VIRGINIA

The Claimant, Daniel Carter Matzdorff, filed the instant claim seeking damages for wrongful detention and loss of liberty associated with time served over and above the sentence imposed on him by the regular courts of the State of West Virginia. It is difficult to quantify how much a day of lost liberty is worth. The unique facts and circumstances of each case will guide the Court in determining the amount to fairly compensate a claimant. In the instant case, in light of the severity of the Claimant's deprivation, and after considering the unique facts and circumstances of his claim, the Court finds that an award in the amount of \$92,300.00 is a fair and reasonable amount to compensate the Claimant.

AMOUNT CLAIMED: Unliquidated

AMOUNT AWARDED: \$92,300.00