

Court of Claims

ANNUAL REPORT

2 0 1 1

Cheryle M. Hall
Clerk of the Court

2011

Annual Report

of the

West Virginia Court of Claims

Judges of the Court

The Honorable Robert B. Sayre, Judge
The Honorable J. David Cecil, Judge

Cheryle M. Hall, Clerk
Maureen L. Roach, Deputy Clerk



West Virginia Court of Claims

Presiding Judge
Robert B. Sayre
Judge
J. David Cecil

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 2010.

Respectfully submitted,

A handwritten signature in blue ink that reads "Cheryle M. Hall".

*Cheryle M. Hall,
Clerk*

2011

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

TABLE OF CONTENTS

Summary of Funds for Claims Bills	1
Table of Claims Awarded by Agency	
Attorney General	2
Department of Environmental Protection	2
Department of Health and Human Resources / Bureau for Public Health	2-3
Division of Corrections	3-6
Division of Highways	6-45
Educational Broadcasting Authority	45
Public Service Commission	45
Regional Jail and Correctional Facility Authority	45
State Tax Department	45
Disallowed Claims	46-48
Abstracts of Claims Awarded	
Attorney General	49
Department of Environmental Protection	49
Department of Health and Human Resources / Bureau for Public Health	49-53
Division of Corrections	53-60
Division of Highways	60-108
Educational Broadcasting Authority	108
Public Service Commission	109
Regional Jail and Correctional Facility Authority	109-110
State Tax Department	110

SUMMARY OF FUNDS FOR 2011 CLAIMS BILL

REGULAR CLAIMS BILL

GENERAL REVENUE FUNDS	\$5,957,941.63
SPECIAL REVENUE FUNDS	\$ 70,428.87
STATE ROAD FUNDS	\$2,389,259.77

Claims Presented to the 2011 Legislature

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
10-0530	Walters, Angela	Attorney General's Office	2,740.00	2,740.00	10/19/2010
10-0141	Piper, George V.	Department of Environmental Protection	180.00	180.00	10/8/2010
09-0551	Charleston Area Medical Center,	Department of Health and Human Resources	320.85	81.83	2/1/2011
09-0521	Charleston Area Medical Center,	Department of Health and Human Resources	137.00	24.20	2/1/2011
09-0535	Charleston Area Medical Center,	Department of Health and Human Resources	205.84	56.00	1/18/2011
09-0538	Charleston Area Medical Center,	Department of Health and Human Resources	96.00	9.77	2/1/2011
09-0547	Charleston Area Medical Center,	Department of Health and Human Resources	78.00	37.13	2/1/2011
09-0546	Charleston Area Medical Center,	Department of Health and Human Resources	320.85	81.83	2/1/2011
09-0511	Charleston Area Medical Center,	Department of Health and Human Resources	994.00	48.78	2/1/2011
09-0513	Charleston Area Medical Center,	Department of Health and Human Resources	137.00	24.20	2/1/2011
09-0514	Charleston Area Medical Center,	Department of Health and Human Resources	137.00	24.20	2/1/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
09-0515	Charleston Area Medical Center,	Department of Health and Human Resources	84.00	18.72	2/1/2011
09-0519	Charleston Area Medical Center,	Department of Health and Human Resources	137.00	24.20	2/1/2011
09-0506	Charleston Area Medical Center,	Department of Health and Human Resources	177.40	47.43	2/1/2011
10-0434	National Medical Services Inc.,	Department of Health and Human Resources	28,664.28	28,664.28	2/1/2011
11-0009	Verizon Network Integration Corp.,	Department of Health and Human Resources/Bureau of Public Health	18,205.75	14,766.66	1/24/2011
10-0338	Basham, Luther C.	Division of Corrections	73.00	73.00	7/9/2010
10-0594	Basham, Luther C.	Division of Corrections	72.41	72.41	12/16/2010
09-0175	Blackwell, Christopher	Division of Corrections	429.99	314.99	1/18/2011
10-0668	Bradley, Richard	Division of Corrections	26.80	26.80	1/18/2011
09-0477	Castle, Elmer	Division of Corrections	28.95	28.95	12/16/2010
10-0308	Casto, Merle	Division of Corrections	21.85	21.85	7/9/2010
10-0670	Copen, Robert	Division of Corrections	16.88	16.88	1/18/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
10-0387	Counts, Robert	Division of Corrections	26.85	26.85	7/9/2010
10-0556	Davey, Steve	Division of Corrections	41.90	41.90	10/19/2010
10-0657	Davis, James R.	Division of Corrections	22.80	22.80	1/18/2011
10-0560	Davis Sr., Sammy	Division of Corrections	16.90	16.90	1/18/2011
09-0401	Dean, Scott	Division of Corrections	16.85	16.85	1/18/2011
09-0202	Evans, Larry	Division of Corrections	355.00	180.00	1/18/2011
09-0219	Evans, Larry	Division of Corrections	908.69	549.88	1/18/2011
10-0635	Franklin, Warren D.	Division of Corrections	37.85	37.85	12/16/2010
09-0091	Horn, Dave	Division of Corrections	13.30	13.30	1/18/2011
10-0586	Hutchinson, Bruce E.	Division of Corrections	16.90	16.90	12/16/2010
10-0268	Kendrick, Anthony	Division of Corrections	6.93	6.93	7/9/2010
10-0074	Love, Calvin C.	Division of Corrections	464.00	464.00	1/18/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
09-0416	Mitchell, Rodger D.	Division of Corrections	26.80	26.80	8/20/2010
10-0632	Morgan, Brian	Division of Corrections	18.00	18.00	12/16/2010
09-0077	Motto, Michael	Division of Corrections	96.10	44.55	1/18/2011
10-0648	Phelps, Scott	Division of Corrections	13.90	13.90	1/18/2011
09-0497	Roddy, Bobby	Division of Corrections	36.45	36.45	1/18/2011
09-0438	Rowe, Roger	Division of Corrections	20.90	20.90	1/18/2011
09-0383	Shaffer, Harrison	Division of Corrections	18.85	18.85	1/18/2011
10-0570	Sigley, James	Division of Corrections	61.50	61.50	12/16/2010
10-0656	Smith, Donald	Division of Corrections	12.90	12.90	1/18/2011
10-0400	Stout, Chris	Division of Corrections	26.85	26.85	7/9/2010
09-0617	White, Anthony R.	Division of Corrections	304.00	304.00	1/18/2011
10-0654	White, Randall	Division of Corrections	15.29	15.29	1/18/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
10-0664	Workforce West Virginia, Unemployment Compensation,	Division of Corrections	3,294.00	3,294.00	1/24/2011
10-0676	WV Regional Jail and Correctional Facility Authority,	Division of Corrections	5,945,942.90	5,945,942.90	1/18/2011
10-0675	WV Regional Jail and Correctional Facility Authority,	Division of Corrections	3,201.00	3,201.00	1/18/2011
10-0550	Youngblood, Denver	Division of Corrections	64.70	64.70	10/19/2010
10-0210	Abel, Richard	Division of Highways	112.36	112.36	1/3/2011
09-0291	Achhammer, Melinda	Division of Highways	54.56	54.56	1/3/2011
10-0151	Adkins, Jason	Division of Highways	743.57	743.57	1/3/2011
09-0305	Adkins, Roger Adkins and Linda	Division of Highways	547.52	547.52	12/16/2010
10-0376	Adkins-Ross, Kelly Coyle and Edith	Division of Highways	485.83	485.83	12/22/2010
07-0329	Allen, Judith	Division of Highways	2,188.86	1,000.00	12/16/2010
10-0382	Allman, Linda	Division of Highways	500.00	500.00	12/22/2010
10-0249	Alpaugh, Jeffery W.	Division of Highways	935.96	561.58	12/16/2010

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
09-0084	Angel, Martha	Division of Highways	93.81	93.81	1/3/2011
10-0055	Arabia, Phillip and Margaret	Division of Highways	1,300.00	620.00	1/18/2011
10-0489	Armentrout, Darryl	Division of Highways	104.94	104.94	12/30/2010
10-0251	Asbury, Dexter E. Asbury and Esther K.	Division of Highways	583.60	500.00	12/16/2010
09-0340	Atencio, Richard C.	Division of Highways	74.85	74.85	6/1/2010
10-0248	Atkinson, Phillip	Division of Highways	96.01	96.01	12/1/2010
09-0296	Ayers, Harry	Division of Highways	178.00	178.00	1/3/2011
09-0292	Bailey, Edwin	Division of Highways	93.27	93.27	6/1/2010
10-0217	Bailey, Melissa R. Bailey and Shawn L.	Division of Highways	525.09	100.00	1/18/2011
10-0552	Bailey, Melody	Division of Highways	359.34	359.34	12/22/2010
09-0568	Baldwin, Shannon	Division of Highways	436.67	300.00	1/18/2011
10-0373	Barker, Charyl	Division of Highways	500.00	500.00	12/22/2010

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
10-0499	Barnard, Alma	Division of Highways	160.18	160.18	12/30/2010
10-0258	Barnes, Alan	Division of Highways	378.92	378.92	1/3/2011
10-0510	Barnett, Dorothy	Division of Highways	290.00	290.00	12/30/2010
10-0684	Bashaw, Rebecca S.	Division of Highways	235.27	215.27	1/25/2011
09-0569	Bayles, Monica Bayles and Billy Joe	Division of Highways	310.62	50.00	10/19/2010
09-0490	Bays, Jennifer	Division of Highways	1,978.55	1,978.55	10/8/2010
10-0219	Bean, Jeremy	Division of Highways	189.98	189.98	1/3/2011
10-0292	Beckett, Brian	Division of Highways	280.88	280.88	1/3/2011
09-0377	Belcher, William	Division of Highways	356.00	356.00	1/3/2011
10-0488	Beller, Jeanette	Division of Highways	500.00	500.00	12/30/2010
10-0240	Berletch, Joyce	Division of Highways	386.45	386.45	1/3/2011
10-0020	Berry, Teresa Caserta and Adam	Division of Highways	107.36	107.36	1/3/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
10-0317	Bingham, Anthony Lupton and Joyce	Division of Highways	250.00	250.00	12/22/2010
09-0179	Bittinger, Diane	Division of Highways	172.61	172.61	1/3/2011
09-0337	Black, Chantel J.	Division of Highways	557.46	500.00	6/1/2010
09-0360	Black, Timothy C. Black and Dixie Jane	Division of Highways	500.00	140.98	12/16/2010
08-0485	Black, Vickie L.	Division of Highways	731.84	431.00	7/9/2010
08-0493	Black, William H.	Division of Highways	641.15	641.15	7/9/2010
07-0169	Blevins, James	Division of Highways	110.69	110.69	12/30/2010
10-0622	Bly, Allen	Division of Highways	292.56	292.56	1/14/2011
10-0328	Bokkon, Sheila F. Bokkon and Robert G.	Division of Highways	98.58	98.58	1/18/2011
10-0540	Boley, Denise	Division of Highways	100.00	100.00	12/30/2010
10-0080	Bonnett II, Eddie J.	Division of Highways	408.98	408.98	1/18/2011
10-0180	Booker, John L.	Division of Highways	156.92	156.92	2/1/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
09-0301	Booth, Chanelle Booth and James	Division of Highways	476.96	476.96	12/16/2010
10-0418	Booth, William	Division of Highways	100.00	100.00	12/22/2010
10-0541	Boothe, David	Division of Highways	400.00	400.00	12/30/2010
06-0329	Bostic, Fred	Division of Highways	185.83	185.83	12/30/2010
10-0290	Bowens, Brittany	Division of Highways	190.00	190.00	1/3/2011
09-0211	Bower, Michael	Division of Highways	907.83	500.00	12/16/2010
10-0108	Bowles, Laura	Division of Highways	226.77	226.77	1/3/2011
09-0405	Branham, Peggy H. Branham and Howard	Division of Highways	1,000.00	491.84	8/20/2010
10-0272	Britton-Perdomo, Herbert	Division of Highways	157.59	157.59	12/1/2010
08-0437	Brooks, Albert Brooks and Julie	Division of Highways	500.00	500.00	7/9/2010
10-0143	Brown, Brodis R.	Division of Highways	768.50	500.00	1/18/2011
10-0350	Brown, Cheryl	Division of Highways	215.18	215.18	12/22/2010

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
09-0565	Brown, Ginger	Division of Highways	135.90	135.90	1/18/2011
10-0177	Brown, Roma L.	Division of Highways	478.59	227.62	11/17/2010
09-0178	Bruer, Hillary	Division of Highways	1,016.52	1,016.52	10/8/2010
10-0517	Burns, Tanya Burns and Samuel	Division of Highways	148.00	148.00	12/30/2010
09-0381	Byler, Herman	Division of Highways	100.00	100.00	1/3/2011
10-0485	Cadle, Peggy	Division of Highways	300.00	300.00	12/22/2010
09-0567	Carey, Rex E.	Division of Highways	587.43	500.00	1/18/2011
10-0539	Cassville United Methodist Church,	Division of Highways	200.00	200.00	1/18/2011
10-0280	Casto, Thurman and Jeanie	Division of Highways	250.00	250.00	1/3/2011
09-0453	Caston, Martha	Division of Highways	289.17	289.17	1/3/2011
09-0582	Cebula, Beth Anne	Division of Highways	464.76	464.76	10/19/2010
09-0129	Chapman, Melissa S.	Division of Highways	622.58	500.00	4/15/2010

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
10-0142	Chapman, Timothy	Division of Highways	357.61	357.61	1/3/2011
10-0428	Chilko, Dan	Division of Highways	178.48	178.48	1/18/2011
10-0298	Christian, Victor	Division of Highways	50.00	50.00	12/22/2010
10-0394	Clagg, Ellis	Division of Highways	174.28	174.28	12/22/2010
10-0116	Clark, Sharon C.	Division of Highways	226.49	226.49	12/1/2010
10-0398	Cleary, Robert	Division of Highways	138.78	138.78	12/22/2010
10-0391	Cline, David	Division of Highways	250.00	250.00	12/22/2010
09-0190	Clower, Steven	Division of Highways	114.48	114.48	1/3/2011
07-0173	Clower, Steven	Division of Highways	108.12	108.12	12/30/2010
10-0288	Cobb, Ransford	Division of Highways	337.80	337.80	1/3/2011
10-0234	Cole, Barbara	Division of Highways	155.00	155.00	1/3/2011
09-0181	Cole, James	Division of Highways	474.99	474.99	1/3/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
09-0300	Collins, Jeffery W.	Division of Highways	366.00	250.00	1/18/2011
10-0028	Collins II, Harvey H.	Division of Highways	1,301.17	500.00	1/18/2011
10-0432	Compton, Warren L. Compton and Judith A.	Division of Highways	339.20	339.20	1/18/2011
09-0214	Conley, Tracy Ann Conley and Jamie L.	Division of Highways	640.86	500.00	12/16/2010
07-0294	Cook, Dana	Division of Highways	254.35	254.35	12/30/2010
10-0577	Cook, Scott	Division of Highways	316.00	316.00	12/22/2010
09-0169	Cooper, Karen Sue	Division of Highways	253.59	253.59	1/3/2011
09-0339	Copenhaver Sr., Joseph E.	Division of Highways	1,004.68	1,000.00	2/1/2011
09-0232	Cordwell, Kimberly A. Cordwell and Richard G.	Division of Highways	732.09	500.00	1/18/2011
10-0200	Counts, Teresa	Division of Highways	90.10	90.10	1/3/2011
08-0507	Cox, Bill	Division of Highways	12,000.00	8,200.00	10/19/2010
10-0244	Cox, Phillip Cox and Robin	Division of Highways	476.68	476.68	1/18/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
10-0337	Crites, Rosie	Division of Highways	139.55	139.55	12/22/2010
10-0056	Crouch, Sherry L.	Division of Highways	82.63	82.63	12/1/2010
10-0470	Culp, Bernidene	Division of Highways	153.68	153.68	12/22/2010
09-0125	Cummings, Connie Cummings and Gary	Division of Highways	80.75	80.75	4/1/2010
10-0330	Cunningham, Cherith	Division of Highways	200.00	200.00	12/22/2010
10-0359	Cunningham, Michael	Division of Highways	250.00	250.00	12/22/2010
10-0202	Curry and Encove Management Co. Inc., Jennie Welch	Division of Highways	1,734.13	1,734.13	2/1/2011
10-0493	Cyrus, Michelle	Division of Highways	237.33	237.33	12/30/2010
10-0417	Dake, Russell Allen	Division of Highways	153.13	153.13	12/22/2010
10-0022	Daniels, Kristi	Division of Highways	143.93	143.93	1/3/2011
10-0048	Davis, Amber	Division of Highways	537.00	537.00	1/3/2011
08-0392	Davis, Billy M. Davis and Elnora	Division of Highways	1,272.00	500.00	11/17/2010

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
09-0601	Davis, Rose	Division of Highways	433.30	433.30	1/3/2011
10-0578	Davis, Terry	Division of Highways	244.01	244.01	12/22/2010
10-0528	DeMoss, Angela	Division of Highways	432.69	432.69	12/30/2010
10-0366	Dickens, Anthony	Division of Highways	396.86	396.86	12/22/2010
10-0045	Dingess, Timothy	Division of Highways	1,230.74	500.00	1/18/2011
10-0685	Dixon, Lawrence	Division of Highways	63.60	63.60	1/25/2011
10-0138	Dolan, Nichole	Division of Highways	268.68	268.68	1/3/2011
10-0395	Dominquez, Christy	Division of Highways	37.10	37.10	12/22/2010
10-0081	Dowdy, Julie B. Bolyard and Daniel W.	Division of Highways	86.39	86.39	8/20/2010
10-0006	Duffield, David	Division of Highways	135.68	135.68	1/18/2011
10-0440	Dunkle, David Carl	Division of Highways	649.60	649.60	12/22/2010
10-0334	Durham, William	Division of Highways	546.37	546.37	12/22/2010

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
10-0316	Durkin, Kimberly	Division of Highways	208.70	208.70	12/22/2010
09-0346	Dutchess, Kenneth Dutchess and Elizabeth	Division of Highways	3,000.00	1,000.00	6/1/2010
10-0336	Eagle, Stephen Eagle and Teresa	Division of Highways	374.12	374.12	12/22/2010
09-0258	Ellis, David G.	Division of Highways	286.51	286.51	8/20/2010
08-0131	Ellis, Gregory H. Ellis and Margaret M.	Division of Highways	84.77	84.77	7/9/2010
05-0408	Ellis, Lisa R.	Division of Highways	477.00	477.00	12/30/2010
10-0324	Estep, Randall	Division of Highways	238.56	238.56	12/22/2010
10-0397	Fields, Dorma	Division of Highways	201.59	201.59	12/22/2010
07-0240	Fields, Norma	Division of Highways	1,000.00	1,000.00	10/8/2010
10-0652	Files, Cindy J.	Division of Highways	169.00	169.00	1/14/2011
09-0470	Fischer, Gerhard Fischer and Dora M.	Division of Highways	331.25	331.25	1/18/2011
10-0192	Fisher, Richard W.	Division of Highways	367.10	367.10	1/18/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
10-0157	Fisher, Robert Eric	Division of Highways	85.00	85.00	12/1/2010
10-0139	Fleischman, Heather	Division of Highways	178.84	178.84	1/3/2011
10-0193	Fowler, Timothy Mark	Division of Highways	260.00	260.00	12/1/2010
09-0224	Fox, Melissa	Division of Highways	351.78	351.78	1/3/2011
10-0086	Frankhouser, Raymond	Division of Highways	93.76	93.76	1/18/2011
10-0211	Fugate, Regina	Division of Highways	150.45	150.45	1/18/2011
10-0018	Gabbert, Michelle A. Gabbert and Steven C.	Division of Highways	872.33	500.00	1/18/2011
10-0135	Gandee, Dale L. Gandee and Loretta L.	Division of Highways	420.32	420.32	12/1/2010
09-0266	Garnes Jr., Carroll D.	Division of Highways	549.19	549.19	6/1/2010
09-0054	Garrett, Andy	Division of Highways	1,540.00	1,540.00	1/18/2011
10-0468	Gauley River Fire Department,	Division of Highways	500.00	500.00	12/22/2010
10-0381	Gifford, Mary	Division of Highways	88.50	88.50	12/22/2010

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
09-0014	Gillispie, Traci	Division of Highways	476.78	476.78	1/18/2011
09-0584	Gloyd, Lisa	Division of Highways	396.95	396.95	12/20/2010
09-0460	Gossage, Darrell	Division of Highways	435.66	435.66	1/3/2011
09-0629	Grange, Stacey T.	Division of Highways	3,114.49	3,114.49	8/20/2010
10-0041	Graphery Jr., Nicholas A.	Division of Highways	551.20	551.20	12/16/2010
10-0522	Green, Christina	Division of Highways	112.36	112.36	12/30/2010
10-0429	Greer, Dean A.	Division of Highways	820.60	383.61	1/18/2011
09-0015	Grimmett, Barbara L.	Division of Highways	1,000.00	255.03	8/20/2010
09-0334	Guinther, Susan	Division of Highways	795.08	500.00	7/9/2010
10-0495	Gump, Corey Blizzard and Samantha	Division of Highways	168.39	168.39	12/30/2010
10-0030	Hadlock, Rebecca Newell and Debbie	Division of Highways	146.09	146.09	1/3/2011
10-0482	Hairston, James Robert	Division of Highways	194.83	194.83	12/22/2010

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
10-0309	Hall, Scott	Division of Highways	500.00	500.00	12/22/2010
10-0198	Halstead, Theodore R. Halstead and Luella M.	Division of Highways	101.76	101.76	1/18/2011
10-0242	Hamilton, John R. Hamilton and Joyce G.	Division of Highways	1,253.70	500.00	10/8/2010
10-0506	Hardiman, Donna Hardiman and William	Division of Highways	414.42	414.42	12/30/2010
09-0056	Hardman, Jane	Division of Highways	619.00	619.00	1/18/2011
09-0317	Hardy, David	Division of Highways	1,501.76	1,000.00	10/8/2010
10-0061	Harmon, Robin	Division of Highways	761.08	761.08	1/3/2011
09-0216	Harris, Wendy L.	Division of Highways	300.00	300.00	1/18/2011
09-0344	Hart, David	Division of Highways	344.50	344.50	1/3/2011
09-0485	Hartman, Thomas P. Hartman II and Jessamy	Division of Highways	428.88	428.88	1/18/2011
06-0159	Hatfield, Douglas D. Hatfield and Darlene F.	Division of Highways	727.67	727.67	4/15/2010
09-0457	Haupt, Bruce F.	Division of Highways	743.35	500.00	7/9/2010

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
09-0445	Hayes, Larry J.	Division of Highways	317.95	317.95	12/16/2010
10-0544	Hayes, Sharon	Division of Highways	100.00	100.00	12/30/2010
09-0592	Hazelwood, Ronald	Division of Highways	324.83	324.83	1/3/2011
09-0491	Helms, Ronald	Division of Highways	240.60	240.60	1/3/2011
09-0170	Helton, Krystal	Division of Highways	770.66	100.00	1/18/2011
10-0389	Henson, Karen	Division of Highways	113.93	113.93	12/22/2010
10-0637	Hertzog, Larry	Division of Highways	127.00	127.00	1/14/2011
10-0124	Hickman, Catherine	Division of Highways	90.00	90.00	1/3/2011
10-0636	Hicks, Christopher	Division of Highways	280.84	280.84	1/14/2011
05-0207	Hildreth, Angela Beagle and Mary Sue	Division of Highways	360.11	360.11	12/30/2010
10-0127	Hill, Dottie	Division of Highways	67.84	67.84	1/3/2011
10-0646	Hogbin, Leana	Division of Highways	440.00	440.00	1/14/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
09-0159	Hoke, Denise	Division of Highways	425.92	425.92	10/8/2010
10-0511	Holbert, Lanny	Division of Highways	128.26	128.26	12/30/2010
09-0083	Holliday, Cassandra	Division of Highways	180.20	180.20	1/3/2011
10-0450	Holliday, Constance	Division of Highways	273.40	273.40	12/22/2010
10-0354	Holt, Mildred	Division of Highways	20.00	20.00	12/22/2010
09-0192	Hughes, Mary Gashie and Kaliegh	Division of Highways	286.32	286.32	1/3/2011
08-0487	Hughes, Walter S. Hughes and Kelly D.	Division of Highways	1,908.42	425.00	10/8/2010
10-0416	Hummel, David and Melanie	Division of Highways	208.82	208.82	12/22/2010
10-0159	Hurst, Sandra	Division of Highways	108.17	108.17	1/3/2011
09-0136	Hyett, Jason	Division of Highways	460.47	460.47	10/19/2010
10-0631	Irwin, Gina	Division of Highways	264.95	264.95	1/14/2011
10-0340	Jackson, Matthew	Division of Highways	230.91	230.91	12/22/2010

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
10-0358	James, Carol	Division of Highways	344.50	344.50	12/22/2010
09-0157	Jarrell, Dennis Jarrell and Jewell Rebecca	Division of Highways	964.24	500.00	12/16/2010
10-0513	Jarrell, Kathy	Division of Highways	250.00	250.00	12/30/2010
10-0144	Jefferson, Richard Jefferson and Donna	Division of Highways	230.02	230.02	1/3/2011
09-0406	Jenkins, Linda	Division of Highways	180.20	180.20	1/3/2011
10-0551	John, James	Division of Highways	306.49	306.49	12/30/2010
09-0608	Jones, Cornelious	Division of Highways	1,544.32	500.00	12/16/2010
09-0400	Jones, Johnnie	Division of Highways	274.50	274.50	1/3/2011
10-0403	Jones, Robert	Division of Highways	167.43	167.43	12/22/2010
10-0191	Jordan, Valerie	Division of Highways	526.11	526.11	1/18/2011
09-0467	Justice, Dianna	Division of Highways	500.00	500.00	1/3/2011
08-0382	Justice, Mary Gail Justice and Curtis N.	Division of Highways	494.38	494.38	1/18/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
08-0288	Kanthack, Robert F. Kanthack and Shirley	Division of Highways	2,164.12	100.00	10/8/2010
09-0217	Keith, Gary	Division of Highways	182.36	182.36	1/3/2011
10-0072	Kennedy, Laura Randolph-Kennedy and Everett Shawn	Division of Highways	366.76	366.76	1/18/2011
09-0297	Kenney, Tricia	Division of Highways	234.98	234.98	1/3/2011
09-0475	Kerr, Beverly	Division of Highways	397.71	397.71	1/3/2011
10-0392	Kersey, Dolores	Division of Highways	246.43	246.43	12/22/2010
10-0380	Kessel, Tamara	Division of Highways	103.88	103.88	12/22/2010
10-0220	Kidwell, Walter	Division of Highways	194.70	194.70	1/3/2011
09-0261	Kinder, Gary W.	Division of Highways	406.88	406.88	1/18/2011
10-0233	King, Donald	Division of Highways	68.85	68.85	1/3/2011
06-0348	King, Teresa	Division of Highways	210.69	210.69	12/30/2010
07-0321	Kirk, Robert	Division of Highways	400.00	400.00	12/30/2010

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
10-0447	Knight, Amy	Division of Highways	407.28	407.28	12/22/2010
09-0223	Kopp, Nancy	Division of Highways	88.50	88.50	1/3/2011
10-0172	Kovalick, William	Division of Highways	95.40	95.40	1/3/2011
10-0173	Kuhns, Mary Ann	Division of Highways	376.30	376.30	1/3/2011
10-0165	Kyle, Joann	Division of Highways	500.57	500.57	12/1/2010
09-0319	Lackey, James Lackey and Rachel	Division of Highways	189.13	189.13	1/3/2011
10-0190	LaFon, Larry	Division of Highways	500.00	500.00	1/3/2011
10-0315	Lambert, Anna	Division of Highways	102.14	102.14	12/22/2010
09-0580	Lambert, Dan	Division of Highways	168.81	168.81	1/3/2011
10-0584	Lambiotte, Kimberly	Division of Highways	134.57	134.57	12/22/2010
10-0131	Landers, Elizabeth	Division of Highways	250.00	250.00	12/1/2010
10-0621	Landrum, Rita	Division of Highways	250.36	250.36	1/14/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
09-0442	Lawrence, Philip S.	Division of Highways	274.80	274.80	6/1/2010
10-0333	Lawrence, Robert	Division of Highways	155.82	155.82	12/22/2010
09-0404	Lawson, Terrah	Division of Highways	336.34	336.34	1/18/2011
09-0123	Layfield, Sabrina	Division of Highways	250.00	250.00	1/3/2011
08-0117	Leake, Carl	Division of Highways	500.00	500.00	12/30/2010
10-0691	Lee, Woodrow Lee Sr., and Mary Jo	Division of Highways	398.00	398.00	1/25/2011
10-0044	Leport, Laura Lee	Division of Highways	126.10	126.10	7/9/2010
08-0217	Leppar III, Francis	Division of Highways	255.00	255.00	12/30/2010
10-0195	Lewis, Johnny	Division of Highways	150.00	150.00	1/3/2011
10-0029	Lewis, Tracy E.	Division of Highways	417.22	417.22	1/18/2011
10-0117	Lightner, Kirk D.	Division of Highways	183.85	183.85	1/18/2011
10-0452	Lilly, David	Division of Highways	119.38	119.38	12/22/2010

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
09-0148	Liposchak, Walter	Division of Highways	478.09	478.09	10/19/2010
10-0025	Lough, Monica J.	Division of Highways	2,235.00	2,235.00	1/18/2011
10-0267	Loving, Kathleen	Division of Highways	114.19	114.19	1/18/2011
06-0147	Lowe, Kevin D.	Division of Highways	165.00	165.00	12/30/2010
09-0193	Lucas, Kayla	Division of Highways	276.08	276.08	1/3/2011
10-0514	Lucas, Paul Lucas and Shenola	Division of Highways	368.62	368.62	12/30/2010
10-0155	Lucas, Richard	Division of Highways	173.97	173.97	1/3/2011
10-0503	Luikart, Adam	Division of Highways	500.00	500.00	12/30/2010
10-0169	Maddox, Mylinda	Division of Highways	68.89	68.89	1/3/2011
09-0283	Mahon, Larry E.	Division of Highways	170.00	170.00	8/20/2010
10-0471	Majors, Joseph	Division of Highways	100.80	100.80	12/22/2010
09-0414	Marchetti III, Pamela Marchetti and Eugene L.	Division of Highways	514.29	500.00	10/8/2010

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
08-0192	Marcum, Admin. Of the Estate of Stephanie Marcum, Linda K.	Division of Highways	950,000.00	950,000.00	10/29/2010
08-0417	Marino, Connie	Division of Highways		199,000.00	1/18/2011
10-0068	Markus, Michael	Division of Highways	106.43	106.43	1/3/2011
10-0438	Marshall, James	Division of Highways	181.79	181.79	12/22/2010
10-0342	Martin, Michael J.	Division of Highways	171.96	171.96	12/22/2010
09-0586	Martin, Michael S.	Division of Highways	125.08	125.08	1/3/2011
09-0126	Masiarczyk, Christopher	Division of Highways	260.00	260.00	1/3/2011
10-0071	Massey, John A.	Division of Highways	672.41	672.41	1/18/2011
09-0446	Mathes, Charles W.	Division of Highways	326.70	250.00	8/20/2010
10-0088	Matthews, C.T.	Division of Highways	500.00	500.00	1/3/2011
09-0121	May, Lee	Division of Highways	164.52	164.52	1/3/2011
09-0053	McCormick, Lori	Division of Highways	340.79	340.79	7/9/2010

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
10-0575	McCoy, David	Division of Highways	514.95	514.95	12/22/2010
10-0313	McCoy, Emily	Division of Highways	100.00	100.00	12/22/2010
09-0212	McCoy, Phyllis	Division of Highways	111.35	111.35	10/19/2010
10-0639	McFann, James	Division of Highways	335.65	335.65	1/14/2011
10-0079	McGougan, Deborah	Division of Highways	704.94	500.00	1/18/2011
09-0581	McKenzie, Lesley McKenzie and Betty	Division of Highways	329.60	329.60	1/3/2011
10-0571	McKinney, Rodney	Division of Highways	329.05	329.05	12/22/2010
10-0176	McKinney, Roger	Division of Highways	500.00	500.00	1/3/2011
09-0221	Mcle, Shavon	Division of Highways	300.75	300.75	1/3/2011
09-0128	McMillion, Joe D.	Division of Highways	212.00	212.00	10/19/2010
09-0173	McNeely, Carl	Division of Highways	493.48	493.48	4/15/2010
10-0339	McNeely, Matthew	Division of Highways	250.00	250.00	12/22/2010

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
10-0186	McNeil, Victoria E.	Division of Highways	440.09	440.09	12/1/2010
05-0205	McVey, Jody	Division of Highways	242.80	242.80	12/30/2010
08-0519	Meade, Linden L.	Division of Highways	243.00	243.00	8/20/2010
10-0179	Meadows, Charlotte	Division of Highways	84.80	84.80	12/1/2010
09-0354	Means, Robert C.	Division of Highways	116.60	116.60	10/19/2010
10-0260	Militello Jr., Leonard	Division of Highways	313.65	313.65	1/18/2011
10-0372	Miller, Crystal Miller and Eric	Division of Highways	332.04	332.04	12/22/2010
09-0436	Miller, Freeland Kent	Division of Highways	769.54	538.68	1/18/2011
09-0462	Miller, Holly Miller and Shawn	Division of Highways	1,021.84	500.00	11/18/2010
09-0262	Miller, Justin M.	Division of Highways	1,802.00	1,802.00	8/20/2010
10-0293	Miller, Justin Miller and Debra	Division of Highways	250.00	250.00	1/3/2011
10-0183	Miller, Kimberly	Division of Highways	191.80	191.80	1/3/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
98-0413	Miller, Nancy B.	Division of Highways		60,000.00	1/18/2011
09-0389	Minter, Amy	Division of Highways	1,086.50	600.00	12/16/2010
10-0046	Moles, Carrie	Division of Highways	1,071.15	500.00	1/18/2011
10-0647	Mongold, Heather D.	Division of Highways	102.22	102.22	1/14/2011
10-0161	Monti, Thomas	Division of Highways	62.02	62.02	1/3/2011
10-0371	Moore, Elizabeth	Division of Highways	445.00	445.00	12/22/2010
09-0407	Moore, Kimberly Lynn Jarrell and Elisha	Division of Highways	5,000.00	3,683.80	6/1/2010
09-0576	Moore, Lisa M.	Division of Highways	141.90	141.90	7/9/2010
07-0224	Morgan, Danny	Division of Highways	450.00	450.00	12/30/2010
10-0090	Morgan, Glenn W. Morgan and Diane L.	Division of Highways	312.92	312.92	8/20/2010
10-0265	Morris, Danielle	Division of Highways	159.00	159.00	2/1/2011
09-0483	Morris, Kimberly R.	Division of Highways	421.20	421.20	7/9/2010

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
10-0480	Morris, Stephanie	Division of Highways	79.50	79.50	12/22/2010
10-0300	Mosier, Shonnette	Division of Highways	270.28	270.28	12/22/2010
09-0161	Mullins, Dennie L.	Division of Highways	684.65	684.65	1/18/2011
10-0069	Mullins, Violet	Division of Highways	76.31	76.31	1/18/2011
10-0487	Myers, Charles	Division of Highways	401.23	401.23	12/22/2010
10-0349	Napier, Jennifer	Division of Highways	900.00	900.00	12/22/2010
09-0610	Needle, Roger	Division of Highways	116.60	116.60	1/3/2011
09-0562	Neil, Gracie L.	Division of Highways	112.36	112.36	1/18/2011
10-0214	Nester, Jeremy D.	Division of Highways	349.00	349.00	12/1/2010
07-0201	Nicholes, Patricia	Division of Highways	163.00	163.00	12/30/2010
09-0149	Nixon, Angelita	Division of Highways	132.32	132.32	6/1/2010
09-0186	Noffsinger, Debrah	Division of Highways	359.34	359.34	1/3/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
09-0153	One Gateway Associates LLC,	Division of Highways	3,276,000.00	554,000.00	1/21/2011
10-0352	O'Neal, Roger O'Neal and Dalton	Division of Highways	185.39	185.39	12/20/2010
10-0558	Orndorff, Raymond	Division of Highways	500.00	500.00	12/22/2010
10-0221	Ortiz, Jamie Bear and Tanya	Division of Highways	442.07	442.07	1/3/2011
10-0472	Paitsel, Sheila	Division of Highways	374.00	374.00	1/18/2011
10-0583	Palmer, David Palmer and Judy	Division of Highways	603.52	603.52	12/22/2010
09-0643	Palmer, Jason	Division of Highways	507.53	500.00	12/16/2010
10-0063	Paolucci, Gerard	Division of Highways	128.35	128.35	1/3/2011
10-0137	Parker, Benjamin	Division of Highways	200.00	200.00	1/18/2011
10-0348	Parks, Barry W.	Division of Highways	500.00	500.00	1/18/2011
10-0133	Parsons, Brenda	Division of Highways	195.00	195.00	1/3/2011
09-0312	Pauley, Steve	Division of Highways	868.00	500.00	11/17/2010

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
02-0158	Peters, Steven Brent	Division of Highways	1,000,000.00	320,000.00	1/3/2011
09-0328	Pittman, Frances M.	Division of Highways	412.32	412.32	10/8/2010
09-0200	Policicchio, Jessica	Division of Highways	227.90	227.90	1/18/2011
08-0402	Poore, Sheri	Division of Highways	570.37	570.37	12/30/2010
09-0411	Postlewait Jr., Albert H.	Division of Highways	1,931.49	52.99	10/19/2010
09-0048	Potter, Melody Potter and Robert L.	Division of Highways	678.81	500.00	1/18/2011
10-0019	Poveromo, Connie	Division of Highways	261.82	261.82	7/9/2010
10-0311	Powell, Crystal	Division of Highways	229.49	229.49	12/22/2010
08-0159	Powers, Tommy Dale Powers and Earnestine Messer	Division of Highways	3,018.77	1,500.00	12/16/2010
09-0203	Price, Fred D.	Division of Highways	400.00	400.00	4/15/2010
10-0201	Pridemore, David	Division of Highways	820.00	500.00	1/18/2011
09-0443	Randall, William	Division of Highways	250.00	250.00	1/3/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
10-0479	Randolph, Beverly	Division of Highways	76.27	76.27	12/22/2010
08-0109	Reed, Thomas Reed and Jessica	Division of Highways	500.00	500.00	4/1/2010
09-0474	Reed, William	Division of Highways	250.00	250.00	1/3/2011
10-0187	Remick, Carl	Division of Highways	392.00	392.00	1/3/2011
10-0321	Repasky, John	Division of Highways	132.69	132.69	12/22/2010
09-0226	Rhodes, Gregory R.	Division of Highways	494.51	494.51	10/8/2010
09-0045	Ridenour, Judy A.	Division of Highways	301.66	187.50	12/16/2010
09-0044	Ridenour, Judy A.	Division of Highways	324.85	187.50	2/1/2011
10-0467	Riggs, Stephanie	Division of Highways	427.16	427.16	12/22/2010
10-0653	Riley, Fredericka	Division of Highways	142.04	142.04	1/14/2011
10-0213	Riley, Jeffrey Scott	Division of Highways	503.94	500.00	1/18/2011
10-0481	Rinker, Karen	Division of Highways	296.97	296.97	12/22/2010

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
09-0304	Riser, Michelle	Division of Highways	483.52	483.52	1/18/2011
10-0641	Ristl, Emil	Division of Highways	177.64	177.64	1/14/2011
10-0287	Robertson, Cheryl	Division of Highways	173.79	173.79	1/3/2011
10-0167	Robinette, Monte	Division of Highways	334.46	334.46	1/3/2011
09-0639	Roderick, Clayton	Division of Highways	203.47	203.47	1/3/2011
10-0012	Rogers, Andrew J.	Division of Highways	1,196.42	500.00	7/9/2010
10-0500	Rounds, Sandra	Division of Highways	500.00	500.00	12/30/2010
09-0110	Roupe, Thelma Roupe and Leo R.	Division of Highways	159.00	159.00	1/18/2011
09-0098	Roush, Cheyenne	Division of Highways	537.85	537.85	1/3/2011
09-0425	Roush, Christine	Division of Highways	539.54	539.54	1/3/2011
10-0439	Rowand, Betty	Division of Highways	134.64	134.64	12/22/2010
09-0452	Runyan, Richard Runyan and Betty	Division of Highways	500.00	500.00	1/3/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
06-0132	Runyon, Doris	Division of Highways	80,000.00	80,000.00	12/16/2010
10-0361	Runyon, Eric L.	Division of Highways	1,472.29	450.00	1/18/2011
09-0036	Russell, Sandra	Division of Highways	147.79	147.79	1/3/2011
10-0626	Sadd, David	Division of Highways	702.00	702.00	1/14/2011
09-0150	Samples, Gary Lee Samples and Mary L.	Division of Highways	150,000.00	50,000.00	10/8/2010
10-0295	Sansone, Deborah	Division of Highways	260.57	260.57	1/3/2011
10-0442	Schumacher, Paul L.	Division of Highways	841.00	500.00	1/18/2011
08-0385	Scoates, Andrew	Division of Highways	160.24	160.24	12/30/2010
10-0246	Scott, Larry	Division of Highways	334.07	334.07	1/18/2011
08-0304	Selan, Dale	Division of Highways	431.45	431.45	12/30/2010
09-0177	Shannon, Paul	Division of Highways	109.13	109.13	1/3/2011
10-0441	Sheets, Bethany Sheets, Joseph Sheets and Doris	Division of Highways	332.10	332.10	1/24/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
10-0421	Shepard, Stephen and Brittany	Division of Highways	266.49	266.49	12/22/2010
09-0124	Shingleton, Christopher	Division of Highways	391.67	391.67	1/3/2011
08-0434	Short, Danny	Division of Highways	476.00	476.00	12/30/2010
10-0231	Sinclair, Steve Sinclair and Robin	Division of Highways	1,049.93	500.00	1/18/2011
10-0643	Sine, William	Division of Highways	275.60	275.60	1/14/2011
10-0322	Sinstar Construction,	Division of Highways	510.62	510.62	12/22/2010
09-0447	Sites, Larry S.	Division of Highways	168.54	168.54	8/20/2010
09-0059	Sizemore, Ned	Division of Highways	500.00	500.00	4/1/2010
06-0129	Slater, Jerry	Division of Highways	542.75	500.00	10/8/2010
07-0347	Smith, George	Division of Highways	411.74	411.74	12/30/2010
09-0183	Smith, Janet	Division of Highways	1,081.91	1,081.91	12/16/2010
10-0283	Smith, Joyce	Division of Highways	468.88	468.88	1/3/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
08-0394	Smith, Judy	Division of Highways	526.30	526.30	10/8/2010
09-0139	Smith, Michael A.	Division of Highways	491.01	250.00	7/9/2010
10-0623	Smith, Stephen G.	Division of Highways	255.63	255.63	1/14/2011
10-0509	Snider, Jeena	Division of Highways	356.11	356.11	12/30/2010
10-0017	Snyder, Kali E. Snyder and Patricia A.	Division of Highways	528.86	528.86	1/18/2011
10-0700	Somerville, David R.	Division of Highways	242.56	242.56	1/25/2011
09-0250	Southern, Kari	Division of Highways	144.69	144.69	1/3/2011
10-0168	Sovel, Lori	Division of Highways	105.95	105.95	12/1/2010
09-0420	Spagnuolo, Anthony	Division of Highways	1,285.88	1,000.00	1/18/2011
10-0270	Specialty Printers LTD,	Division of Highways	168.94	168.94	12/1/2010
10-0360	Sprouse, Lucy	Division of Highways	216.41	216.41	12/22/2010
10-0393	Stalnaker, Johnna	Division of Highways	356.63	356.63	12/22/2010

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
10-0627	Stanley, Cassandra Marko and Gene	Division of Highways	350.00	350.00	1/14/2011
09-0630	Starcher, Edna R.	Division of Highways	136.89	136.89	1/18/2011
09-0469	Starcher, Stefanie	Division of Highways	316.39	316.39	1/18/2011
10-0476	Stark, Brittney	Division of Highways	608.62	608.62	12/22/2010
09-0282	Stephens, Shirley	Division of Highways	574.21	574.21	12/16/2010
10-0353	Stern, Michael Stern and Amy	Division of Highways	385.62	385.62	12/22/2010
09-0600	Stevens, Janett S. Stevens and John H.	Division of Highways	1,050.65	500.00	10/8/2010
10-0097	Stewart, Becky	Division of Highways	309.60	309.60	1/18/2011
10-0365	Stewart, Rick	Division of Highways	238.50	238.50	12/22/2010
09-0290	Stirewalt, Justin	Division of Highways	356.49	356.49	6/1/2010
09-0081	Stone, Penny Stone and Dean	Division of Highways	776.05	246.05	4/1/2010
09-0215	Stoneburner, Roger	Division of Highways	425.00	425.00	1/3/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
09-0144	Stout, Bernard	Division of Highways	174.60	100.00	1/18/2011
10-0490	Stowers, Charles Stowers and Mary Lou	Division of Highways	264.85	264.85	12/30/2010
09-0578	Stowers, Stacy Stowers and Tim	Division of Highways	265.01	265.01	1/18/2011
08-0386	Strehlen, Sharon	Division of Highways	108.12	108.12	12/30/2010
09-0368	Stuberg, Chelsea	Division of Highways	180.18	180.18	1/18/2011
09-0122	Swanger, Connie	Division of Highways	100.00	100.00	1/3/2011
09-0335	Swayne, Calvin	Division of Highways	138.50	138.50	1/3/2011
09-0127	Sweeney, Gary Allen	Division of Highways	653.52	653.52	10/8/2010
09-0213	Syed, Aladdin Z.	Division of Highways	1,393.14	1,000.00	10/8/2010
10-0013	Tatar, Erma	Division of Highways	161.25	100.00	11/17/2010
10-0243	Tate, Jackie D. Tate and Texie D.	Division of Highways	364.98	364.98	12/1/2010
10-0378	Taylor, George	Division of Highways	47.44	47.44	12/22/2010

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
09-0182	Taylor, Larry	Division of Highways	363.82	363.82	1/3/2011
09-0313	Taylor, Ronald L.	Division of Highways	2,930.90	500.00	10/19/2010
10-0582	Tenney, Leonard	Division of Highways	173.76	173.76	12/22/2010
09-0146	Thomas, Betty P.	Division of Highways	401.67	100.00	10/8/2010
10-0262	Thomas, Debbie	Division of Highways	500.00	500.00	12/1/2010
10-0512	Thompson, Larry Thompson and Lavana	Division of Highways	643.54	643.54	12/30/2010
09-0380	Thompson Jr., Vern	Division of Highways	7,390.00	5,542.50	10/8/2010
09-0347	Toler, Tyler R. Davis and Sandra	Division of Highways	600.57	600.57	1/18/2011
09-0058	Tolley, Brittany Tolley and Christopher	Division of Highways	204.43	173.77	4/1/2010
09-0330	Truitt, Richard S.	Division of Highways	693.13	100.00	6/1/2010
09-0320	Turner, Pearline	Division of Highways	945.21	945.21	12/16/2010
10-0182	Vargo, Michelle	Division of Highways	463.47	463.47	1/3/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
10-0247	Vaughn, Rebecca A.	Division of Highways	109.66	109.66	1/18/2011
10-0543	Vickers, Amanda	Division of Highways	117.86	117.86	12/30/2010
10-0451	Virtue, Brian	Division of Highways	353.90	353.90	12/22/2010
09-0571	Vitioe, Gaylen	Division of Highways	153.38	153.38	1/3/2011
10-0319	Walker, Gary	Division of Highways	500.00	500.00	12/22/2010
10-0132	Walker, Margaret Irene	Division of Highways	299.98	299.98	12/1/2010
07-0215	Ward, Andrea	Division of Highways	1,836.53	1,836.53	10/8/2010
10-0076	Ware, Sharon A. Ware and Paul M.	Division of Highways	1,833.32	500.00	8/20/2010
10-0368	Warren, Bruce	Division of Highways	177.19	177.19	12/22/2010
07-0337	Waters, Joe	Division of Highways	329.84	329.84	2/1/2011
09-0152	Watkins, Brian	Division of Highways	350.00	350.00	1/3/2011
10-0408	Waybright, Margaret	Division of Highways	430.05	430.05	12/22/2010

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
09-0105	Wendell, Stephanie	Division of Highways	266.03	266.03	1/3/2011
08-0325	Weppler, Melissa	Division of Highways	250.00	250.00	12/30/2010
10-0254	Westbrook, Jennifer	Division of Highways	531.13	531.13	1/3/2011
10-0121	White, Lesslie White and Sheila	Division of Highways	220.48	220.48	1/18/2011
10-0122	White, Lesslie White and Sheila	Division of Highways	222.60	222.60	1/18/2011
08-0535	White, Paul White and Karen	Division of Highways	737.72	737.72	7/9/2010
09-0032	White, Roger A. White and Terri Ann	Division of Highways	335.04	335.04	10/19/2010
10-0277	White, Shannon	Division of Highways	100.00	100.00	1/3/2011
10-0516	Williams, Chasidy	Division of Highways	570.00	570.00	12/30/2010
10-0449	Williamson, Curtis and Terri	Division of Highways	500.00	500.00	12/22/2010
10-0224	Willits, Jennifer G.	Division of Highways	454.94	454.94	1/18/2011
09-0167	Wilson, Betty A.	Division of Highways	280.57	250.00	4/15/2010

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
09-0327	Wilson, Brian	Division of Highways	267.95	267.95	1/3/2011
10-0415	Wilson, Claude	Division of Highways	283.94	283.94	12/22/2010
10-0112	Wilson, Shirley Ann	Division of Highways	185.81	100.00	1/18/2011
09-0604	Winski, James P.	Division of Highways	414.75	373.28	12/16/2010
10-0501	Withers, Vickie Epling	Division of Highways	132.50	132.50	12/30/2010
10-0473	Wolverton, Stephanie	Division of Highways	450.53	450.53	12/22/2010
10-0327	Wood, Vickie L.	Division of Highways	72.08	72.08	1/18/2011
10-0053	Woods, Ronna	Division of Highways	533.83	533.83	1/3/2011
10-0106	Wright, Emma J.	Division of Highways	175.00	175.00	1/18/2011
10-0445	Yanak, Douglas	Division of Highways	125.08	125.08	12/22/2010
09-0063	Yaniga, Cecelia	Division of Highways	250.00	250.00	1/3/2011
10-0084	Yaquinta, Carla	Division of Highways	278.71	278.71	1/18/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
10-0256	Yates, Charles E.	Division of Highways	190.22	190.22	1/25/2011
10-0634	Zickafoose, Daniel	Division of Highways	148.20	148.20	1/14/2011
10-0129	Atlantic Broadband Group LLC,	Educational Broadcasting Authority	9,650.15	9,650.15	4/15/2010
10-0431	Pomeroy IT Solutions,	Public Service Commission	695.40	695.40	10/8/2010
09-0626	Copley, Sammy Ray	Regional Jail and Correctional Facility Authority	43.09	43.09	10/19/2010
10-0463	Edwards, Shawn	Regional Jail and Correctional Facility Authority	25.00	25.00	8/20/2010
10-0486	Jarrett, Charles E.	Regional Jail and Correctional Facility Authority	326.00	326.00	10/8/2010
10-0649	Phung, Huong Thi	Regional Jail and Correctional Facility Authority	15,100.00	15,100.00	1/12/2011
09-0620	Surber Jr., Donald Berkley	Regional Jail and Correctional Facility Authority	500.00	500.00	10/19/2010
10-0141	Piper, George V.	State Tax Department	150.00	150.00	10/8/2010
			\$11,709,754.35	\$8,417,630.27	

Disallowed Claims Presented to the 2011 Legislature

Number	Name of Claimant	Name of Respondent	Amount Claimed	Final Disposition	Date of Opinion
08-0436	Ambrose, Michael	Division of Highways	7,600.00	Disallowed	3/10/2010
08-0002	Barker, Paula E. Barker and Gregory A.	Division of Highways	1,603.99	Disallowed	11/18/2010
09-0366	Bell, John Andrew	Division of Highways	1,000.00	Disallowed	7/9/2010
09-0004	Blackburn, Clyde	Division of Highways	716.60	Disallowed	7/9/2010
09-0263	Bowen, Geneva	Division of Highways	1,048.20	Disallowed	10/8/2010
09-0371	Caldwell, John M.	Division of Highways	3,497.74	Disallowed	7/9/2010
07-0113	Connett, Kenneth L.	Division of Highways	6,369.00	Disallowed	4/1/2010
09-0089	Counts, Karey D.	Division of Highways	980.13	Disallowed	4/1/2010
10-0531	Ellis, Angela S. and Jimmy D.	Division of Highways	362.52	Disallowed	2/2/2011
07-0170	Farley, Lisa R.	Division of Highways	1,000.00	Disallowed	4/1/2010
09-0631	Flynn, H. Gordon "Buck"	Division of Highways	1,000.00	Disallowed	7/9/2010
10-0123	Garrett, Beulah	Division of Highways	492.81	Disallowed	2/2/2011
09-0362	Gibson, Linda	Division of Highways	250.00	Disallowed	10/8/2010
10-0009	Hairston, Belinda M.	Division of Highways	570.17	Disallowed	7/9/2010
10-0042	Harmon, Steven A.	Division of Highways	542.00	Disallowed	10/8/2010

Number	Name of Claimant	Name of Respondent	Amount Claimed	Final Disposition	Date of Opinion
09-0060	Houser, Gina L.	Division of Highways	259.70	Disallowed	10/8/2010
09-0585	Hunter, Cathy Parsley	Division of Highways	401.40	Disallowed	7/9/2010
09-0047	Hussell, Kristen Hussell and Scott	Division of Highways	506.39	Disallowed	7/9/2010
10-0238	Jackson, Robert L. Jackson and Helen C.	Division of Highways	883.23	Disallowed	2/2/2011
06-0067	Kukoleck, Michael G.	Division of Highways	55,000.00	Disallowed	4/15/2010
09-0635	Lester, Tara	Division of Highways	4,139.27	Disallowed	10/8/2010
09-0239	Losh, Nancy	Division of Highways	120.82	Disallowed	3/10/2010
08-0052	Marsh, Debora E.	Division of Highways	389.05	Disallowed	3/10/2010
08-0532	Moses, Larry D.	Division of Highways	1,023.75	Disallowed	2/2/2011
08-0323	Nestor, Karen Elaine Nestor and Randy Glenn	Division of Highways	15,807.15	Disallowed	10/8/2010
09-0365	Obermeyer, Steve	Division of Highways	500.00	Disallowed	10/19/2010
09-0358	Perry, Mary J.	Division of Highways	251.22	Disallowed	10/8/2010
06-0164	Poe, Patrick	Division of Highways	193.34	Disallowed	7/9/2010
08-0087	Powell, Bryan A.	Division of Highways	681.74	Disallowed	1/8/2010
08-0265	Richter, Mary	Division of Highways	815.47	Disallowed	10/8/2010
10-0215	Sheridan, Betty L. Sheridan and Edward F.	Division of Highways	5,633.92	Disallowed	2/2/2011
06-0022	Sponaugle, Steven Allen Sponaugle and Kandice Lee	Division of Highways	1,786.57	Disallowed	3/10/2010

Number	Name of Claimant	Name of Respondent	Amount Claimed	Final Disposition	Date of Opinion
05-0405	Tenney, Kenneth W.	Division of Highways	6,500.00	Disallowed	3/10/2010
08-0228	Waughaman, Ronald Waughaman and Cheryle	Division of Highways	378.90	Disallowed	3/10/2010
06-0154	Wiley, Bruce L.	Division of Highways	2,253.71	Disallowed	11/17/2010
09-0069	Willard, Ryan Vincent	Division of Highways	197.14	Disallowed	7/9/2010
10-0002	Yadav, Vartika Jain and Yoginder K.	Division of Highways	1,000.00	Disallowed	2/2/2011
			\$125,755.93		

COURT OF CLAIMS

ABSTRACTS OF CLAIMS AWARDED

CLAIM AGAINST ATTORNEY GENERAL'S OFFICE

CC-10-0530 ANGELA WALTERS V. ATTORNEY GENERAL'S OFFICE

Claimant, an Assistant Attorney General, seeks to recover \$2,740.00 that is owed her due to an error in her increment pay that occurred from July 2003 through July 2009. Respondent admits the validity of this claim as well as the amount. The Court finds that Claimant is entitled to an award.

AMOUNT CLAIMED: \$2,740.00

AMOUNT AWARDED: \$2,740.00

CLAIM AGAINST DEPARTMENT OF ENVIRONMENTAL PROTECTION

CC-10-0141 GEORGE V. PIPER V. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Claimant seeks to recover \$180.00 from Respondent for an error that was made regarding his increment tenure pay for the years of 1987 through 1991. Respondent admits the validity of this claim and the amount.

AMOUNT CLAIMED: \$180.00

AMOUNT AWARDED: \$180.00

CLAIMS AGAINST DEPARTMENT OF HEALTH AND HUMAN RESOURCES

CC-09-0551 CHARLESTON AREA MEDICAL CENTER V. DEPARTMENT OF HEATH AND HUMAN RESOURCES

Claimant seeks to recover \$320.85 for medical services rendered to a patient. Respondent, in its Answer, admits the validity of the claim but only in the amount of \$81.83. Claimant has agreed to accept payment in the amount of \$81.83. The Court concludes that \$81.83 is a fair and reasonable settlement of this claim.

AMOUNT CLAIMED: \$320.85

AMOUNT AWARDED: \$81.83

CC-09-0521 CHARLESTON AREA MEDICAL CENTER V. DEPARTMENT OF HEATH AND HUMAN RESOURCES

Claimant seeks to recover \$137.00 for medical services rendered to a patient. Respondent, in its Answer, admits the validity of the claim but only in the amount of \$24.20. Claimant has agreed to accept payment in the amount of \$24.20. The Court concludes that \$24.20 is a fair and reasonable settlement of this claim.

AMOUNT CLAIMED: \$137.00

AMOUNT AWARDED: \$24.20

CC-09-0535 CHARLESTON AREA MEDICAL CENTER V. DEPARTMENT OF HEATH AND HUMAN RESOURCES

Claimant seeks to recover \$205.84 for medical services rendered to a patient. Respondent, in its Answer, admits the validity of the claim but only in the amount of \$56.00. Claimant has agreed to accept payment in the amount of \$56.00. The Court concludes that \$56.00 is a fair and reasonable settlement of this claim.

AMOUNT CLAIMED: \$205.84

AMOUNT AWARDED: \$56.00

CC-09-0538 CHARLESTON AREA MEDICAL CENTER V. DEPARTMENT OF HEATH AND HUMAN RESOURCES

Claimant seeks to recover \$96.00 for medical services rendered to a patient. Respondent, in its Answer, admits the validity of the claim but only in the amount of \$9.77. Claimant has agreed to accept payment in the amount of \$9.77. The Court concludes that \$9.77 is a fair and reasonable settlement of this claim.

AMOUNT CLAIMED: \$96.00

AMOUNT AWARDED: \$9.77

CC-09-0547 CHARLESTON AREA MEDICAL CENTER V. DEPARTMENT OF HEATH AND HUMAN RESOURCES

Claimant seeks to recover \$78.00 for medical services rendered to a patient. Respondent, in its Answer, admits the validity of the claim but only in the amount of \$37.13. Claimant has agreed to accept payment in the amount of \$37.13. The Court concludes that \$37.13 is a fair and reasonable settlement of this claim.

AMOUNT CLAIMED: \$78.00

AMOUNT AWARDED: \$37.13

CC-09-0546 CHARLESTON AREA MEDICAL CENTER V. DEPARTMENT OF HEATH AND HUMAN RESOURCES

Claimant seeks to recover \$320.85 for medical services rendered to a patient. Respondent, in its Answer, admits the validity of the claim but only in the amount of \$81.83. Claimant has agreed to accept payment in the amount of \$81.83. The Court concludes that \$81.83 is a fair and reasonable settlement of this claim.

AMOUNT CLAIMED: \$320.85

AMOUNT AWARDED: \$81.83

CC-09-0511 CHARLESTON AREA MEDICAL CENTER V. DEPARTMENT OF HEATH AND HUMAN RESOURCES

Claimant seeks to recover \$994.00 for medical services rendered to a patient. Respondent, in its Answer, admits the validity of the claim but only in the amount of \$48.78. Claimant has agreed to accept payment in the amount of \$48.78. The Court concludes that \$48.78 is a fair and reasonable settlement of this claim.

AMOUNT CLAIMED: \$994.00

AMOUNT AWARDED: \$48.78

CC-09-0513 CHARLESTON AREA MEDICAL CENTER V. DEPARTMENT OF HEATH AND HUMAN RESOURCES

Claimant seeks to recover \$137.00 for medical services rendered to a patient. Respondent, in its Answer, admits the validity of the claim but only in the amount of \$24.20. Claimant has agreed to accept payment in the amount of \$24.20. The Court concludes that \$24.20 is a fair and reasonable settlement of this claim.

AMOUNT CLAIMED: \$137.00

AMOUNT AWARDED: \$24.20

CC-09-0514 CHARLESTON AREA MEDICAL CENTER V. DEPARTMENT OF HEATH AND HUMAN RESOURCES

Claimant seeks to recover \$137.00 for medical services rendered to a patient. Respondent, in its Answer, admits the validity of the claim but only in the amount of \$24.20. Claimant has agreed to accept payment in the amount of \$24.20. The Court concludes that \$24.20 is a fair and reasonable settlement of this claim.

AMOUNT CLAIMED: \$137.00

AMOUNT AWARDED: \$24.20

CC-09-0515 CHARLESTON AREA MEDICAL CENTER V. DEPARTMENT OF HEATH AND HUMAN RESOURCES

Claimant seeks to recover \$84.00 for medical services rendered to a patient. Respondent, in its Answer, admits the validity of the claim but only in the amount of \$18.72. Claimant has agreed to accept payment in the amount of \$18.72. The Court concludes that \$18.72 is a fair and reasonable settlement of this claim.

AMOUNT CLAIMED: \$84.00

AMOUNT AWARDED: \$18.72

CC-09-0519 CHARLESTON AREA MEDICAL CENTER V. DEPARTMENT OF HEATH AND HUMAN RESOURCES

Claimant seeks to recover \$137.00 for medical services rendered to a patient. Respondent, in its Answer, admits the validity of the claim but only in the amount of \$24.20. Claimant has agreed to accept payment in the amount of \$24.20. The Court concludes that \$24.20 is a fair and reasonable settlement of this claim.

AMOUNT CLAIMED: \$137.00

AMOUNT AWARDED: \$24.20

CC-09-0506 CHARLESTON AREA MEDICAL CENTER V. DEPARTMENT OF HEATH AND HUMAN RESOURCES

Claimant seeks to recover \$177.40 for medical services rendered to a patient. Respondent, in its Answer, admits the validity of the claim but only in the amount of \$47.43. Claimant has agreed to accept payment in the amount of \$47.43. The Court concludes that \$47.43 is a fair and reasonable settlement of this claim.

AMOUNT CLAIMED: \$177.40

AMOUNT AWARDED: \$47.43

CC-10-0434 NATIONAL MEDICAL SERVICES INC. V. DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Claimant seeks to recover \$28,664.28 for toxicology testing services performed at Respondent's request. In its Answer, Respondent admits the validity of the claim as well as the amount, and states that there were sufficient funds expired in that appropriate fiscal year from which the invoice could have been paid.

AMOUNT CLAIMED: \$28,664.28

AMOUNT AWARDED: \$28,664.28

CC-11-0009 VERIZON NETWORK INTEGRATION CORP. V. DEPARTMENT OF HEALTH AND HUMAN RESOURCES / BUREAU OF PUBLIC HEALTH

Claimant seeks to recover \$18,205.75 for equipment, installation services, maintenance services, and professional services rendered to Respondent, but for which Claimant has not received payment. In its Answer, Respondent admits the validity of the claim as well as the amount of \$14,766.66. Respondent states that there were sufficient funds expired in that appropriate fiscal year from which the invoice could have been paid. Claimant agrees that the amount of \$14,766.66 is fair and reasonable, and is willing to accept it as full satisfaction for this claim.

AMOUNT CLAIMED: \$18,205.75

AMOUNT AWARDED: \$14,766.66

CLAIMS AGAINST DIVISION OF CORRECTIONS

CC-10-0338 LUTHER C. BASHAM V. DIVISION OF CORRECTIONS

Claimant, an inmate at St. Mary's Correctional Center, a facility of Respondent, brought this claim to recover \$73.00 for damage to his wheel chair, which he alleges was caused by inadequately maintained sidewalks and asphalt within Respondent's facility. In its Answer, Respondent admits the validity of the claim.

AMOUNT CLAIMED: \$73.00

AMOUNT AWARDED: \$73.00

CC-10-0594 LUTHER C. BASHAM V. DIVISION OF CORRECTIONS

Claimant, an inmate at St. Mary's Correctional Center, a facility of Respondent, brought this claim to recover \$72.41 for damage to his wheel chair, which he alleges was caused by inadequately maintained sidewalks and asphalt within Respondent's facility. In its Answer, Respondent admits the validity of the claim.

AMOUNT CLAIMED: \$72.41

AMOUNT AWARDED: \$72.41

CC-09-0175 CHRISTOPHER BLACKWELL V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mt. Olive Correctional Complex, a facility of Respondent, seeks to recover the value of certain items personal property that he alleges were lost by the Respondent while Claimant was serving a 30 day term of confinement in lock-up. The Court finds that the Claimant's property was not adequately secured at the time of the incident, and the Claimant is entitled to recover the value of his lost property.

AMOUNT CLAIMED: \$429.99

AMOUNT AWARDED: \$314.99

CC-10-0668 RICHARD BRADLEY V. DIVISION OF CORRECTIONS

Claimant, an inmate at the Mt. Olive Correctional Complex, a facility of Respondent, brought this claim to recover \$26.80 for personal property that was stolen while in Respondent's possession. In its Answer, Respondent admits the validity of the claim.

AMOUNT CLAIMED: \$26.80

AMOUNT AWARDED: \$26.80

CC-09-0477 ELMER CASTLE V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mt. Olive Correctional Complex, a facility of Respondent, seeks to recover \$28.95 for personal property that was kept in the Respondent's possession and was stolen. In its Answer, Respondent admits the validity of the claim.

AMOUNT CLAIMED: \$28.95

AMOUNT AWARDED: \$28.95

CC-10-0308 MERLE CASTO V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mt. Olive Correctional Complex, a facility of Respondent, seeks to recover \$21.85 for personal property that was stolen from Respondent's storage area. In its Answer, Respondent admits the validity of the claim.

AMOUNT CLAIMED: \$21.85

AMOUNT AWARDED: \$21.85

CC-10-0670 ROBERT COPEN V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mt. Olive Correctional Complex, a facility of Respondent, brought this claim to recover \$16.88 for personal property items that were stolen from Respondent's possession. In its Answer, Respondent admits the validity of the claim.

AMOUNT CLAIMED: \$16.88

AMOUNT AWARDED: \$16.88

CC-10-0387 ROBERT COUNTS V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mt. Olive Correctional Complex, a facility of Respondent, seeks to recover \$26.85 for personal property that was kept in the Respondent's possession and was stolen. In its Answer, Respondent admits the validity of the claim.

AMOUNT CLAIMED: \$26.85

AMOUNT AWARDED: \$26.85

CC-10-0556 STEVE DAVEY V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mt. Olive Correctional Complex, a facility of Respondent, seeks to recover \$41.90 for personal property that was stolen from Respondent's storage area. In its Answer, Respondent admits the validity of the claim.

AMOUNT CLAIMED: \$41.90

AMOUNT AWARDED: \$41.90

CC-10-0657 JAMES R. DAVIS V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mt. Olive Correctional Complex, a facility of Respondent, filed this claim to recover \$22.80 for personal property that was kept in the Respondent's possession and was stolen. In its Answer, Respondent admits the validity of the claim.

AMOUNT CLAIMED: \$22.80

AMOUNT AWARDED: \$22.80

CC-10-0560 SAMMY DAVIS SR. V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mt. Olive Correctional Complex, a facility of Respondent, brought this claim to recover \$16.90 for personal property that was stolen. In its Answer, Respondent admits the validity of this claim.

AMOUNT CLAIMED: \$16.90

AMOUNT AWARDED: \$16.90

CC-09-0401 SCOTT DEAN V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mt. Olive Correctional Complex, a facility of Respondent, brought this claim to recover \$16.85 for personal property that was stolen. In its Answer, Respondent admits the validity of this claim.

AMOUNT CLAIMED: \$16.85

AMOUNT AWARDED: \$16.85

CC-09-0202 LARRY EVANS V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mt. Olive Correctional Complex, a facility of Respondent, seeks to recover \$355.00 for the value of personal property he alleges was negligently destroyed by Respondent. The Court is of the opinion that Respondent failed to adequately care for Claimant's personal property by not adhering to its operational procedure for storage of inmate property. The Court is of the opinion that \$180.00 represents a fair and reasonable reimbursement to Claimant for the damaged property.

AMOUNT CLAIMED: \$355.00

AMOUNT AWARDED: \$180.00

CC-09-0219 LARRY EVANS V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mt. Olive Correctional Complex, a facility of Respondent, seeks to recover \$908.69 for personal property items he alleges were negligently seized and destroyed by Respondent. The Court determined that Respondent has a moral obligation to compensate Claimant for the loss of his property in the amount of \$549.88.

AMOUNT CLAIMED: \$908.69

AMOUNT AWARDED: \$549.88

CC-10-0635 WARREN D. FRANKLIN V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mt. Olive Correctional Complex, a facility of Respondent, brought this claim to recover \$37.85 for personal property that was stolen. In its Answer, Respondent admits the validity of this claim.

AMOUNT CLAIMED: \$37.85

AMOUNT AWARDED: \$37.85

CC-09-0091 DAVE HORN V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mt. Olive Correctional Complex, a facility of Respondent, seeks \$13.30 for personal property he alleges was entrusted to Respondent, but was not returned to him. At hearing, Respondent stipulated to damages in the amount of \$13.30. The Court is of the opinion to make an award.

AMOUNT CLAIMED: \$13.30

AMOUNT AWARDED: \$13.30

CC-10-0586 BRUCE E. HUTCHINSON V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mt. Olive Correctional Complex, a facility of Respondent, seeks to recover \$16.90 for personal property stolen from storage. In its Answer, Respondent admits the validity of this claim.

AMOUNT CLAIMED: \$16.90

AMOUNT AWARDED: \$16.90

CC-10-0268 ANTHONY KENDRICK V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mt. Olive Correctional Complex, a facility of Respondent, brought this claim to recover \$6.93 for personal property that was stolen. In its Answer, Respondent admits the validity of this claim.

AMOUNT CLAIMED: \$6.93

AMOUNT AWARDED: \$6.93

CC-10-0074 CALVIN C. LOVE V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mt. Olive Correctional Complex, a facility of Respondent, seeks to recover \$464.00 for personal property items he entrusted to Respondent, but which have not been returned to him. At hearing, Respondent stipulated to damages in the amount of \$464.00. The Court is of the opinion to make an award.

AMOUNT CLAIMED: \$464.00

AMOUNT AWARDED: \$464.00

CC-09-0416 RODGER D. MITCHELL V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mt. Olive Correctional Complex, a facility of Respondent, brought this claim to recover \$26.80 for personal property stolen from Respondent's storage. In its Answer, Respondent admits to the validity of this claim.

AMOUNT CLAIMED: \$26.80

AMOUNT AWARDED: \$26.80

CC-10-0632 BRIAN MORGAN V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mt. Olive Correctional Complex, a facility of Respondent, brought this claim to recover \$18.00 for personal property that was lost by Respondent. In its Answer, Respondent admits the validity of this claim.

AMOUNT CLAIMED: \$18.00

AMOUNT AWARDED: \$18.00

CC-09-0077 MICHAEL MOTTO V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mt. Olive Correctional Complex, a facility of Respondent, brought this claim to recover the value of certain personal property items allegedly negligently seized and destroyed or lost by Respondent in two separate instances. The Court is of the opinion that Respondent has a moral obligation, in equity and good conscience, to compensate Claimant for the loss of his property. The Court finds that an award of \$44.55 represents full and fair compensation to the Claimant.

AMOUNT CLAIMED: \$96.10

AMOUNT AWARDED: \$44.55

CC-10-0648 SCOTT PHELPS V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mt. Olive Correctional Complex, a facility of Respondent, seeks to recover \$13.90 for personal property that was stolen. Respondent admits liability in this claim.

AMOUNT CLAIMED: \$13.90

AMOUNT AWARDED: \$13.90

CC-09-0497 BOBBY RODDY V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mt. Olive Correctional Complex, a facility of Respondent, brought this claim to recover \$36.45 for personal property that was lost by Respondent's agents. In its Answer, Respondent admits the validity of this claim.

AMOUNT CLAIMED: \$36.45

AMOUNT AWARDED: \$36.45

CC-09-0438 ROGER ROWE V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mt. Olive Correctional Complex, a facility of Respondent, seeks to recover \$20.90 for personal property that was stolen. Respondent admits liability in this claim.

AMOUNT CLAIMED: \$20.90

AMOUNT AWARDED: \$20.90

CC-09-0383 HARRISON SHAFFER V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mt. Olive Correctional Complex, a facility of Respondent, brought this claim to recover \$18.85 for personal property stolen from Respondent's storage. In its Answer, Respondent admits to the validity of this claim.

AMOUNT CLAIMED: \$18.85

AMOUNT AWARDED: \$18.85

CC-10-0570 JAMES SIGLEY V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mt. Olive Correctional Complex, a facility of Respondent, seeks to recover \$61.50 for personal property that was stolen. Respondent admits liability in this claim.

AMOUNT CLAIMED: \$61.50

AMOUNT AWARDED: \$61.50

CC-10-0656 DONALD SMITH V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mt. Olive Correctional Complex, a facility of Respondent, seeks to recover \$12.90 for personal property that was stolen. Respondent admits liability in this claim.

AMOUNT CLAIMED: \$12.90

AMOUNT AWARDED: \$12.90

CC-10-0400 CHRIS STOUT V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mt. Olive Correctional Complex, seeks to recover \$26.85 for his personal property that was stolen. In its Answer, Respondent admits the validity of this claim.

AMOUNT CLAIMED: \$26.85

AMOUNT AWARDED: \$26.85

CC-09-0617 ANTHONY R. WHITE V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mt. Olive Correctional Complex, a facility of Respondent, seeks to recover \$304.00 for items of personal property that were entrusted to Respondent but have not been returned to him. At hearing, Respondent stipulated to damages in the amount of \$304.00. The Court is of the opinion that Respondent is liable for the loss of Claimant's property.

AMOUNT CLAIMED: \$304.00

AMOUNT AWARDED: \$304.00

CC-10-0654 RANDALL WHITE V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mt. Olive Correctional Complex, seeks to recover \$15.29 for personal property that was stolen from Respondent's storage. In its Answer, Respondent admits the validity of this claim.

AMOUNT CLAIMED: \$15.29

AMOUNT AWARDED: \$15.29

CC-10-0664 WORKFORCE WEST VIRGINIA, UNEMPLOYMENT COMPENSATION V. DIVISION OF CORRECTIONS

Claimant seeks to recover \$3,294.00 for services rendered to inmates in the custody of Respondent at St. Mary's Correctional Center, a facility of the Respondent. In its Answer, Respondent admits the validity of the claim as well as the amount, and states that sufficient funds were appropriated in fiscal year 2010 to pay this claim. The Court made an award to Claimant.

AMOUNT CLAIMED: \$3,294.00

AMOUNT AWARDED: \$3,294.00

CC-10-0676 WV REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY V. DIVISION OF CORRECTIONS

Claimant seeks to recover \$5,945,942.90 for the cost of housing and providing associated services to prisoners who had been sentenced to State penal institutions but remained in the regional jails. In its Answer, Respondent admits the validity of this claim. The Court determined that Respondent is liable to Claimant for these costs.

AMOUNT CLAIMED: \$5,945,942.90

AMOUNT AWARDED: \$5,945,942.90

CC-10-0675 WV REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY V. DIVISION OF CORRECTIONS

Claimant seeks to recover \$3,201.00 for the cost of housing and providing associated services to prisoners who had been sentenced to State penal institutions but remained in the regional jails. In its Answer, Respondent admits the validity of this claim. The Court determined that Respondent is liable to Claimant for these costs.

AMOUNT CLAIMED: \$3,201.00

AMOUNT AWARDED: \$3,201.00

CC-10-0550 DENVER YOUNGBLOOD V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mt. Olive Correctional Complex, a facility of Respondent, seeks to recover \$64.70 for items of personal property that were stolen. In its Answer, Respondent admits liability in this claim.

AMOUNT CLAIMED: \$64.70

AMOUNT AWARDED: \$64.70

CLAIMS AGAINST DIVISION OF HIGHWAYS

CC-09-0305 ROGER ADKINS AND LINDA ADKINS V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On June 11, 2009, Claimants' 1989 Ford Ranger struck a hole on WV Route 152 in Huntington, Cabell County. Respondent is responsible for the maintenance of WV Route 152 which it failed to maintain properly on the date of this incident. As a result, Claimants' vehicle sustained damage in the amount of \$547.52. Respondent agrees that the amount of damages put forth by the Claimants is fair and reasonable.

AMOUNT CLAIMED: \$547.52

AMOUNT AWARDED: \$547.52

CC-07-0329 JUDITH ALLEN V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2004 Pontiac Grand Prix struck the jagged edge of the berm in two locations on McCorkle Road near Sod, Lincoln County. Since Claimant was forced to use the berm to avoid oncoming traffic, and the berm was not adequately maintained at the time of this incident, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$2,188.86

AMOUNT AWARDED: \$1,000.00

CC-10-0249 JEFFERY W. ALPAUGH V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 1999 Dodge Dakota struck a hole on Ewart Avenue in Beckley, Raleigh County. The size of the hole and its location in the driving portion of the road lead the Court to conclude that Respondent had notice of the hazardous condition. However, the driver was also negligent since he was aware of the condition of the road. The Court is of the opinion that Claimant was forty percent (40%) negligent, and the award was reduced accordingly.

AMOUNT CLAIMED: \$935.96

AMOUNT AWARDED: \$561.58

CC-10-0055 PHILLIP AND MARGARET ARABIA V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On December 11, 2009, Claimant's 1998 Dodge Neon struck rocks on Route 119 in Roane County. Respondent is responsible for the maintenance of Route 119 which it failed to properly maintain prior to the incident. Claimant's vehicle sustained damage in the amount of \$1,300.00. Respondent agrees that \$620.00, the amount of Claimant's collision deductible (\$500.00) plus the cost of towing (\$120.00), is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$1,300.00

AMOUNT AWARDED: \$620.00

CC-10-0251 DEXTER E. ASBURY AND ESTHER K. ASBURY V. DIVISION OF HIGHWAYS

Claimants filed this claim for vehicle damage which occurred when their 2009 Chevrolet Malibu struck a hole in the berm on WV Route 19 in Cool Ridge, Raleigh County. The Court is of the opinion that the size of the hole on the berm and its location adjacent to a hole on the travel portion of the road created a hazard to the traveling public.

AMOUNT CLAIMED: \$583.60

AMOUNT AWARDED: \$500.00

CC-09-0340 RICHARD C. ATENCIO V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2004 Dodge Ram struck a cut in the road on County Road 21 near Sissonville, Kanawha County. The size of the ditch and its location in the travel portion of the road leads the Court to conclude that Respondent was negligent.

AMOUNT CLAIMED: \$74.85

AMOUNT AWARDED: \$74.85

CC-09-0292 EDWIN BAILEY V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 1992 Buick Roadmaster struck a hole on Big Tyler Road, designated as WV Route 622, in Cross Lanes, Kanawha County. The Court is of the opinion that Respondent had, at the least, constructive notice of the hole which was located on the travel portion of the road. The Court finds Respondent negligent.

AMOUNT CLAIMED: \$93.27

AMOUNT AWARDED: \$93.27

CC-10-0217 MELISSA R. BAILEY AND SHAWN L. BAILEY V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2010 Nissan Xterra struck a piece of concrete kicked up by another vehicle on the Interstate 77 bridge in Edens Fork, Kanawha County. The Court is of the opinion that Respondent had, at the least, constructive notice of the broken section of pavement in I-77, such that it created a hazard to the traveling public, and Respondent had an adequate amount of time to take corrective action. Thus, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$525.09

AMOUNT AWARDED: \$100.00

CC-09-0568 SHANNON BALDWIN V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2002 Pontiac Sunfire struck a hole on Country Route 21 in Sissonville, Kanawha County. The Court is of the opinion that Respondent had notice of ongoing construction at the location of Claimant's incident, and that a hole in the travel portion of the road created a hazard to the traveling public. The Court finds Respondent negligent.

AMOUNT CLAIMED: \$436.67

AMOUNT AWARDED: \$300.00

CC-09-0569 MONICA BAYLES AND BILLY JOE BAYLES V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On October 21, 2009, Claimants' vehicle struck a hole on Route 77 in Williamstown, Wood County. Respondent is responsible for the maintenance of this area which it failed to maintain properly on the date of this incident. Claimants' vehicle sustained damage in the amount of \$310.62, but Claimants' insurance covered all but \$50.00. Respondent agrees that the amount of \$50.00 is fair and reasonable.

AMOUNT CLAIMED: \$310.62

AMOUNT AWARDED: \$50.00

CC-09-0490 JENNIFER BAYS V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2007 Dodge Caliber struck uneven sections of pavement on WV Route 10 in Logan County. Although Claimant placed warning signs in this area, the Court is of the opinion that the signs were not adequately secured at the time of this incident and Claimant was not warned of the uneven sections of pavement. Thus, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$1,978.55

AMOUNT AWARDED: \$1,978.55

CC-09-0337 CHANTEL J. BLACK V. DIVISION OF HIGHWAYS

Claimant filed this claim for vehicle damage which occurred when her 2009 Scion TC struck a raised drain cover on MacCorkle Avenue, designated as WV Route 60, in Charleston, Kanawha County. The Court is of the opinion that Respondent had, at the least, constructive notice of the drain cover which was raised approximately six inches above the pavement and presented a hazard to the traveling public. Thus, the Court finds Respondent negligent, although Respondent may seek reimbursement from the third-party contractor that was responsible for the road work in that area.

AMOUNT CLAIMED: \$557.46

AMOUNT AWARDED: \$500.00

CC-09-0360 TIMOTHY C. BLACK AND DIXIE JANE BLACK V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2000 Acura TL struck a hole on Country Route 72 in Fairmont, Marion County. The Court is of the opinion that the size of the hole and its location in the driving portion of a lane with little to no berm created a hazard to the traveling public, and thus, Respondent was negligent.

AMOUNT CLAIMED: \$500.00

AMOUNT AWARDED: \$140.98

CC-08-0485 VICKI L. BLACK V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On July 8, 2008, Claimant's vehicle struck a falling rock in the Bluestone Dam area of WV Route 20 in Summers County. Respondent is responsible for the maintenance of this area which if failed to maintain properly on the date of this incident. Claimant's vehicle sustained damage in the amount of \$550.84, plus Claimant seeks to recover \$181.00 for a rental car. Claimant's insurance deductible is \$250.00. Respondent agrees that the amount of \$431.00 is fair and reasonable.

AMOUNT CLAIMED: \$731.84

AMOUNT AWARDED: \$431.00

CC-08-0493 WILLIAM H. BLACK V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 1997 Nissan Maxima struck a hole on 8th Avenue in Huntington, Cabell County. The Court is of the opinion that Respondent had notice of a broken water line in the area of the incident, that Respondent contracted a third party to repair the road; and that such repairs would require cutting the pavement which would create a hazard to the traveling public. Thus, the Court finds Respondent negligent. However, Respondent may seek to be reimbursed from the third-party contractor for damages in this claim.

AMOUNT CLAIMED: \$641.15

AMOUNT AWARDED: \$641.15

CC-10-0328 SHEILA F. BOKKON AND ROBERT G. BOKKON V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2009 Subaru Legacy struck a hole on WV Route 39, designated Turnpike Road, in Swiss, Nicholas County. The Court is of the opinion that Respondent had notice, at the least, constructive notice of the condition on WV Route 39. Since a three to four feet long defect in the pavement created a hazard to the traveling public, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$98.58

AMOUNT AWARDED: \$98.58

CC-10-0080 EDDIE J. BONNETT II V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On February 22, 2010, Claimant's vehicle struck a hole on Route 20 in Harrison County. Respondent failed in its duty to adequately maintain Route 20 prior to this incident. Claimant's vehicle sustained damage in the amount of \$408.98. Respondent agrees that the amount of damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$408.98

AMOUNT AWARDED: \$408.98

CC-09-0301 CHANELLE BOOTH AND JAMES BOOTH V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On February 7, 2009, Claimant's Mitsubishi Lancer struck a hole in the road on Route 60 in Wayne County. Respondent is responsible for the maintenance of Route 60 which it failed to maintain properly on the date of this incident. Respondent agrees that the amount of \$476.96 for the damages put forth by the Claimants is fair and reasonable.

AMOUNT CLAIMED: \$476.96

AMOUNT AWARDED: \$476.96

CC-09-0211 MICHAEL BOWER V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2008 Chevrolet Malibu struck a hole on WV Route 61 in Fayette County. The size of the hole and its location on the travel portion of the road leads the Court to conclude that Respondent was negligent.

AMOUNT CLAIMED: \$907.83

AMOUNT AWARDED: \$500.00

CC-09-0405 PEGGY H. BRANHAM AND HOWARD BRANHAM V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On July 31, 2009, Claimant, Peggy H. Branham was driving Claimants' vehicle on County Route 65/5 in Delbarton, Mingo County, when their vehicle struck a broken section of the berm. Respondent is responsible for the maintenance of this area which it failed to maintain properly on the date of this incident. As a result, Claimants' vehicle sustained damage to its tire and rim in the amount of \$491.84. Respondent agrees that the amount of damages put forth by the Claimants is fair and reasonable.

AMOUNT CLAIMED: \$1,000.00

AMOUNT AWARDED: \$491.84

CC-08-0437 ALBERT BROOKS AND JULIE BROOKS V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On August 2, 2008, while Claimants were traveling west on I-64 near Huntington, Cabell County, their vehicle struck concrete in the road that had fallen from an overpass causing damage to their vehicle. Respondent is responsible for the maintenance of I-64, which it failed to maintain properly on the date of this incident. As a result, Claimants' vehicle sustained damage in the amount of \$7,845.08; however, Claimants' recovery is limited by their collision deductible of \$500.00. Respondent agrees that the allowable damages put forth by the Claimants is fair and reasonable.

AMOUNT CLAIMED: \$500.00

AMOUNT AWARDED: \$500.00

CC-10-0143 BRODIS R. BROWN V. DIVISION OF HIGHWAYS

Claimant brought this claim for vehicle damage which occurred when his 2008 Dodge Ram 1500 struck a hole on County Route 36/1 near Wallback, Clay County. The Court is of the opinion that Respondent had, at the least, constructive notice of the defect in the pavement on County Route 36/1, and that such defect created a hazard to the traveling public. Thus, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$768.50

AMOUNT AWARDED: \$500.00

CC-09-0565 GINGER BROWN V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2001 Chevrolet Blazer struck a broken section of culvert on County Route 26/3, designated Mouse Creek Road, in Mt. Nebo, Nicholas County. The Court is of the opinion that Respondent had, at the least, constructive notice of the condition of the culvert on Country Route 26/3, and that sharp sections of broken culvert created a hazard to the traveling public. The Court finds Respondent negligent.

AMOUNT CLAIMED: \$135.90

AMOUNT AWARDED: \$135.90

CC-10-0177 ROMA L. BROWN V. DIVISION OF HIGHWAYS

Claimant brought this claim for vehicle damage which occurred in two separate incidents. The parties stipulated to the first incident: In September of 2009, Claimant's vehicle struck a hole on WV Route 85 in Wharton, Boone County. Respondent failed in its responsibility to maintain WV Route 85 on the date of the incident. Claimant's vehicle sustained amage to its tire in the amount of \$227.62, which Respondent agrees is fair and reasonable.

The second incident in this claim occurred on March 12, 2010, when Claimant's vehicle struck another hole on WV Route 85. The Court finds that on the date of the second incident, Respondent was acting diligently in treating the snow and ice hazards, and thus was not negligent.

AMOUNT CLAIMED: \$478.59

AMOUNT AWARDED: \$227.62

CC-09-0178 HILLARY BRUER V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On March 23, 2009, Claimant's 1998 Lincoln Navigator struck a hole on 8th Avenue in Huntington, Cabell County. Respondent failed in its responsibility to properly maintain the road on the date of this incident. As a result, Claimant's vehicle sustained damage in the amount of \$1,016.52. Claimant only had liability insurance at the time of the incident. Respondent agrees that the amount of damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$1,016.52

AMOUNT AWARDED: \$1,016.52

CC-09-0567 REX E. CAREY V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On October 19, 2009, Claimant's vehicle struck a steep and uneven berm that extended into the driving portion of the road on US Route 60 near Hurricane, Putnam County. Respondent failed in its duty to adequately maintain US Route 60 prior to the date of this incident. Claimant's vehicle sustained damage in the amount of \$587.43. Respondent agrees that \$500.00, the amount of Claimant's collision deductible, is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$587.43

AMOUNT AWARDED: \$500.00

CC-10-0539 CASSVILLE UNITED METHODIST CHURCH V. DIVISION OF HIGHWAYS

The parties stipulated to the following: In May of 2010, Claimant incurred the expense of cutting down a tree located on Cassville Mt. Morris Road that was in danger of falling onto the structure of Claimant's church, located in Monongalia County. Respondent is responsible for clearing trees after road construction which it failed to adequately do prior to this incident. Respondent agrees that the amount of \$200.00 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$200.00

AMOUNT AWARDED: \$200.00

CC-09-0582 BETH ANNE CEBULA V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On September 7, 2009, Claimant's vehicle struck a hole on I-79 north in Weston, Lewis County. Respondent is responsible for the maintenance of this road which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage to its tires and rims in the amount of \$464.76. Respondent agrees that the amount of damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$464.76

AMOUNT AWARDED: \$464.76

CC-09-0129 MELISSA S. CHAPMAN V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2006 Chevrolet Malibu struck a hole on the Oakwood Road entrance ramp to I-64 in Charleston, Kanawha County. Since the road was not properly maintained in this area, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$622.58

AMOUNT AWARDED: \$500.00

CC-10-0428 DAN CHILKO V. DIVISION OF HIGHWAYS

The parties stipulated to the following: In November 2009, Claimant's vehicle struck a hole on Summer School Road in Monongalia County. Respondent is responsible for the maintenance of Summer School Road which it failed to adequately maintain prior to this incident. Claimant's vehicle sustained damage in the amount of \$178.48, which Respondent agrees is fair and reasonable.

AMOUNT CLAIMED: \$178.48

AMOUNT AWARDED: \$178.48

CC-09-0300 JEFFERY W. COLLINS V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On May 29, 2009, Claimant's vehicle struck a hole on Route 19 in Oak Hill, Fayette County. Respondent is responsible for the maintenance of Route 19 which it failed to properly maintain on the date of this incident. Claimant's vehicle sustained damage in the amount of \$366.00. Respondent agrees that \$250.00, the amount of Claimant's insurance deductible is a fair and reasonable amount to settle this claim.

AMOUNT CLAIMED: \$366.00

AMOUNT AWARDED: \$250.00

CC-10-0028 HARVEY H. COLLINS II V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On December 11, 2009, Claimant's vehicle struck a construction barrel on Interstate 64 in Putnam County. Respondent failed in its responsibility to properly maintain I-64 prior to the incident. Claimant's vehicle sustained damage in the amount of \$1,301.17. Respondent agrees that \$500.00, the amount of Claimant's insurance deductible, is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$1,301.17

AMOUNT AWARDED: \$500.00

CC-10-0432 WARREN L. COMPTON AND JUDITH A. COMPTON V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2009 Lexus 350 GS struck an unevenly milled portion of the road on US Route 250 near Whitehall, Marion County. The Court is of the opinion that Respondent had, at the least, constructive notice of the road work on Route 250, and that it failed to provide adequate warning of the roughly milled portion of road. Since an unmarked steep incline between the unfinished and finished travel portion of the road created a hazard to the traveling public, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$339.20

AMOUNT AWARDED: \$339.20

CC-09-0214 TRACY ANN CONLEY AND JAMIE L. CONLEY V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2007 Toyota Camry struck a hole on WV Route 71 near Montcalm, Mercer County. The Court is of the opinion that the size of the hole and its location in the driving portion of the lane created a hazard to the traveling public.

AMOUNT CLAIMED: \$640.86

AMOUNT AWARDED: \$500.00

CC-09-0339 JOSEPH E. COPENHAVER SR. V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2006 Buick Lucerne struck a hole on Coonskin Drive in Charleston, Kanawha County. The Court is of the opinion that Respondent had, at the least, constructive notice of the hole which Claimant's vehicle struck. The size of the hole, its location on the travel portion of the road, and the time of year in which this incident occurred leads the Court to conclude that Respondent was negligent.

AMOUNT CLAIMED: \$1,004.68

AMOUNT AWARDED: \$1,000.00

CC-09-0232 KIMBERLY A. CORDWELL AND RICHARD G. CORDWELL V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On February 16, 2009, Claimants' vehicle struck a hole on West Run Road in Monongalia County. Respondent failed in its duty to properly maintain West Run Road prior to the date of the incident. Claimants' vehicle sustained damage in the amount of \$732.09. Respondent agrees that \$500.00, the amount of Claimants' insurance deductible, is fair and reasonable.

AMOUNT CLAIMED: \$732.09

AMOUNT AWARDED: \$500.00

CC-08-0507 BILL COX V. DIVISION OF HIGHWAYS

Claimant brought this action for trailer damage which occurred when his 1996 Coachmen Fifth Wheel trailer struck a low clearance tree on Dry Run Road in Parkersburg, Wood County. The Court is of the opinion that Respondent had, at the least, constructive notice that the tree was leaning dangerously over the travel portion of the road. Since Claimant reported the problem to Respondent on multiple occasions, the Court finds Respondent Negligent. The Court determined that \$8,200.00 is a fair and reasonable amount to compensate the Claimant for damage to his trailer.

AMOUNT CLAIMED: \$12,000.00

AMOUNT AWARDED: \$8,200.00

CC-10-0244 PHILLIP COX AND ROBIN COX V. DIVISION OF HIGHWAYS

The parties stipulated to the following: In March 2010, Claimants' vehicle struck a hole on Grandview Road in Raleigh County. Respondent failed in its duty to properly maintain Grandview Road prior to this incident. Respondent agrees that \$476.68, the amount of damages put forth by the Claimant, is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$476.68

AMOUNT AWARDED: \$476.68

CC-09-0125 CONNIE CUMMINGS AND GARY CUMMINGS V. DIVISION OF HIGHWAYS

The parties stipulated to the following: At approximately 5:00 p.m. on January 12, 2009, Connie Cummings was driving south on State Route 34 in Hurricane, Putnam County when Claimants' vehicle struck a hole in the road. Respondent agrees that the amount of \$80.75 for the damages put forth by the Claimants is fair and reasonable.

AMOUNT CLAIMED: \$80.75

AMOUNT AWARDED: \$80.75

CC-08-0392 BILLY M. DAVIS AND ELNORA DAVIS V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On July 3, 2008, Claimants vehicle struck a hole on Whyllie Ridge Road in Hancock County, causing damage in the amount of \$1,272.00. Respondent failed in its duty to maintain the road properly on the date of the incident. Respondent agrees that \$500.00, the amount of Claimant's insurance deductible, is fair and reasonable.

AMOUNT CLAIMED: \$1,272.00

AMOUNT AWARDED: \$500.00

CC-10-0045 TIMOTHY DINGESS V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On January 23, 2010, Claimant's vehicle struck a hole on Route 60 in Kanawha County, causing damage in the amount of \$1,230.74. Respondent failed in its duty to maintain the road properly on the date of the incident. Respondent agrees that \$500.00, the amount of Claimant's insurance deductible, is fair and reasonable.

AMOUNT CLAIMED: \$1,230.74

AMOUNT AWARDED: \$500.00

CC-10-0081 DANIEL W. DOWDY AND JULIE B. BOLYARD V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On February 20, 2010, Claimant's vehicle struck a hole on US Route 50 in Grafton, Taylor County. Respondent failed to properly maintain US Route 50 on the date of this incident. As a result, Claimant's vehicle sustained damage to its tires and rims in the amount of \$86.39. Respondent agrees that the amount of damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$86.39

AMOUNT AWARDED: \$86.39

CC-09-0346 KENNETH DUTCHESS AND ELIZABETH DUTCHESS V. DIVISION OF HIGHWAYS

Claimants brought this action for property damage which occurred when Respondent used tar and chips to repair the pavement on Kentuck Road, designated as County Route 19, in Kenna, Jackson County. The tar was not adequately covered with sand to prevent vehicles on County Route 19 from splattering tar onto Claimants' driveway. Thus, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$3,000.00

AMOUNT AWARDED: \$1,000.00

CC-09-0258 DAVID G. ELLIS V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On April 28, 2009, Claimant's 2006 Hyundai Sonata struck a hole on Frame Road in Elkview, Kanawha County. Respondent is responsible for the maintenance of Frame Road which it failed to properly maintain on the date of this incident. As a result, Claimant's vehicle sustained damage to two rims in the amount of \$286.51. Respondent agrees that the amount of damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$286.51

AMOUNT AWARDED: \$286.51

CC-08-0131 GREGORY H. ELLIS AND MARGARET M. ELLIS V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On March 15, 2008, Claimants' vehicle struck a hole on Salt Rock Road in Cabell County. Respondent is responsible for the maintenance of Salt Rock Road, which it failed to maintain properly on the date of this incident. Respondent agrees that \$84.77, the amount of damages put forth by the Claimants, is fair and reasonable.

AMOUNT CLAIMED: \$84.77

AMOUNT AWARDED: \$84.77

CC-07-0240 NORMA FIELDS V. DIVISION OF HIGHWAYS

Claimant seeks compensation for the value of her vehicle which was totaled when it struck a manhole cover on Harvey Street in Williamson, Mingo County. Because Respondent took this road under its system it bears responsibility for the road's maintenance. The Court concludes that Respondent was negligent in its maintenance. However, if another entity agreed to assume responsibility for this road, then Respondent has the right to seek reimbursement from the other entity.

AMOUNT CLAIMED: \$1,000.00

AMOUNT AWARDED: \$1,000.00

CC-09-0470 GERHARD FISCHER AND DORA M. FISCHER V. DIVISION OF HIGHWAYS

Claimants brought this action to recover for vehicle damage which occurred when their Volkswagen Jetta struck a hole on County Route 17 near Rivesville, Marion County. The size of the hole and its location in the driving portion of the lane leads the Court to conclude that Respondent was negligent in failing to maintain the road in a manner that does not create a hazard to the traveling public.

AMOUNT CLAIMED: \$331.25

AMOUNT AWARDED: \$331.25

CC-10-0192 RICHARD W. FISHER V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On February 2, 2010, Claimant's vehicle struck a hole on Route 36 in Roane County. Respondent failed in its responsibility to properly maintain Route 36 prior to this incident. Respondent agrees that the amount of damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$367.10

AMOUNT AWARDED: \$367.10

CC-10-0086 RAYMOND FRANKHOUSER V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2008 Toyota Corolla struck a hole at the intersection of Country Road 857, designated Cheat Road, and US Route 119, designated Point Marion Road and Mileground Road, in Morgantown, Monongalia County. The Court is of the opinion that Respondent had, at the least, constructive notice of the defect in the pavement at the intersection of County Road 857 and US Route 119, which created a hazard to the traveling public. The Court finds Respondent negligent.

AMOUNT CLAIMED: \$93.76

AMOUNT AWARDED: \$93.76

CC-10-0211 REGINA FUGATE V. DIVISION OF HIGHWAYS

Claimant brought this action to recover for vehicle damage which occurred when her vehicle struck a hole on County Route 79/3, designated Cabin Creek Road, in Giles, Kanawha County. The Court is of the opinion that Respondent had, at the least, constructive notice of the defect in the pavement on County Route 79/3. Since a deep hole in the asphalt on the travel portion of the road created a hazard to the traveling public, the Court finds Respondent negligent.,

AMOUNT CLAIMED: \$150.45

AMOUNT AWARDED: \$150.45

CC-10-0018 MICHELLE A. GABBERT AND STEVEN C. GABBERT V. DIVISION OF HIGHWAYS

Claimants filed this claim to recover for vehicle damage which occurred when their 2009 Lincoln MKS struck holes in two incidents on Country Route 85, designated Brewer Road, in Morgantown, Monongalia County. The Court is of the opinion that prior to the first incident, Respondent had, at the least, constructive notice of the defects in the pavement on County Route 85, and thus, finds Respondent negligent. However, prior to the second incident, the Court is of the opinion that Respondent took reasonable corrective actions and thus cannot be found negligent.

AMOUNT CLAIMED: \$872.33

AMOUNT AWARDED: \$500.00

CC-09-0266 CARROLL D. GARNES JR. V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when a pine tree fell onto his vehicle parked on County Route 16 in Liberty, Putnam County. The Court finds that Respondent had actual notice that the tree was leaning dangerously and posed a hazard at least two weeks prior to the incident. Thus, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$549.19

AMOUNT AWARDED: \$549.19

CC-09-0054 ANDY GARRETT V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 1995 Oldsmobile Cutlass Supreme Struck a hole on County Route 3, designated Coal River Road, in St. Albans, Kanawha County. The size of the broken section of pavement, which covered most of the lane being traversed by Claimant, leads the Court to Conclude that Respondent had notice of the hazardous condition and an adequate amount of time to take corrective action.

AMOUNT CLAIMED: \$1,540.00

AMOUNT AWARDED: \$1,540.00

CC-09-0014 TRACI GILLISPIE V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On October 14, 2008, Claimant's vehicle struck a hole on Route 3 in Kanawha County. Respondent failed in its duty to properly maintain Route 3 prior to the incident. Respondent agrees that the amount of damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$476.78

AMOUNT AWARDED: \$476.78

CC-09-0629 STACEY T. GRANGE V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when a friend, Ms. Daniels, was driving his 2005 Volvo eastbound on McCorkle Avenue which was struck by a road sign that had been forced over in the wind. Since there was no evidence that the force of the wind blowing at the time of this incident could not have been reasonably anticipated by the respondent, the Court finds Respondent negligent in not adequately securing the sign.

AMOUNT CLAIMED: \$3,114.49

AMOUNT AWARDED: \$3,114.49

CC-10-0041 NICHOLAS A. GRAPHERY JR. V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On or about January 21, 2010, Claimant's 2006 Buick Lucerne CXS struck a hole on the Oglebay Pike Exit of Interstate 70 in Ohio County. Respondent is responsible for the maintenance of I-70, including the entrances and exits, which it failed to maintain properly on the date of this incident. Respondent agrees that the amount of \$551.20 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$551.20

AMOUNT AWARDED: \$551.20

CC-10-0429 DEAN A. GREER V. DIVISION OF HIGHWAYS

Claimant brought this action to recover for vehicle damage which occurred when his vehicle struck an unevenly milled portion of the road on US Route 250 near Whitehall, Marion County. The Court is of the opinion that Respondent had, at the least, constructive notice of the road work on Route 250, and that it failed to provide adequate warning of the roughly milled portion of road. Since an unmarked steep incline between the unfinished and finished travel portion of the road created a hazard to the traveling public, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$820.60

AMOUNT AWARDED: \$383.61

CC-09-0015 BARBARA L. GRIMMETT V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On January 6, 2009, Claimant's vehicle struck a hole on WV Route 10 in Neibert, Logan County. Respondent is responsible for the maintenance of WV Route 10, which it failed to maintain properly on the date of the incident. Claimant's vehicle sustained damage in the amount of \$255.03, and Respondent agrees that such damages are fair and reasonable.

AMOUNT CLAIMED: \$1,000.00

AMOUNT AWARDED: \$255.03

CC-09-0334 SUSAN GUNTHER V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2008 Honda Accord struck a broken section of pavement on Utah Road in Ravenswood, Jackson County. The Court is of the opinion that Respondent had, at the least, constructive notice of the hole which Claimant's vehicle struck and that the hole presented a hazard to the traveling public. Thus, The Court finds Respondent negligent.

AMOUNT CLAIMED: \$795.08

AMOUNT AWARDED: \$500.00

CC-10-0198 THEODORE R. HALSTEAD AND LUELLA M. HALSTEAD V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2003 Buick LeSabre struck a hole on Route 622, designated Rocky Fork Road, in Cross Lanes, Kanawha County. The Court is of the opinion that Respondent had notice of the defect on Route 622, and was negligent in failing to maintain the road in a way that did not present a hazard to the traveling public.

AMOUNT CLAIMED: \$101.76

AMOUNT AWARDED: \$101.76

CC-10-0242 JOHN R. HAMILTON AND JOYCE G. HAMILTON V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2008 Ford Taurus struck a hole on WV Route 85 near Cazy, Boone County. The fact that this road contains numerous holes leads the Court to conclude that Respondent was negligent in its duty to properly maintain WV Route 85.

AMOUNT CLAIMED: \$1,253.70

AMOUNT AWARDED: \$500.00

CC-09-0056 JANE HARDMAN V. DIVISION OF HIGHWAYS

The parties stipulated to the following: Around January 2008, Claimant's fence line at 3003 Linden Street in Parkersburg was struck with a falling tree during the removal of certain trees located on Respondent's right of way. Respondent is responsible for the maintenance of property surrounding the property of 3003 Linden Street. Claimant's fence sustained damage in the amount of \$619.00, which Respondent agrees is fair and reasonable.

AMOUNT CLAIMED: \$619.00

AMOUNT AWARDED: \$619.00

CC-09-0317 DAVID HARDY V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On February 5, 2009, Claimant's 2008 Mercedes struck a hole on WV Route 61 in Kanawha County. Respondent failed in its duty to properly maintain WV Route 61 on the date of this incident. As a result, Claimant's vehicle sustained damage in the amount of \$1,501.76. Respondent agrees that \$1,000, the amount of Claimant's insurance deductible, is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$1,501.76

AMOUNT AWARDED: \$1,000.00

CC-09-0216 WENDY L. HARRIS V. DIVISION OF HIGHWAYS

The parties stipulated to the following: In April 2009, Claimant's vehicle struck a hole on Snake Den Road in Preston County. Respondent is responsible for the maintenance of Snake Den Road which it failed to maintain properly prior to this incident. Respondent agrees that the amount of damages put forth by Claimant is fair and reasonable.

AMOUNT CLAIMED: \$300.00

AMOUNT AWARDED: \$300.00

CC-09-0485 THOMAS P. HARTMAN II AND JESSAMY HARTMAN V. DIVISION OF HIGHWAYS

Claimants seek to recover \$428.88 for vehicle damage which occurred when their 2005 Pontiac G6 struck a one and a half inch discontinuity between the asphalt and metal expansion joint on I-64 east, just prior to the Nitro Bridge in Scott Depot, Kanawha County. The Court is of the opinion that Respondent had, at the least, constructive notice of the protruding metal bridge joint which Claimants' vehicle struck and that the condition presented a hazard to the traveling public. The Court finds Respondent negligent.

AMOUNT CLAIMED: \$428.88

AMOUNT AWARDED: \$428.88

CC-06-0159 DOUGLAS D. HATFIELD AND DARLENE F. HATFIELD V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On or around April 15, 2006, Darlene H. Hatfield was operating her motor vehicle on US Route 52 near Jaeger, McDowell County, when her vehicle struck a tree that had fallen onto the road. For the purposes of settlement, Respondent acknowledges culpability for the preceding accident. Both Claimants and Respondent believe that \$727.67 is a fair and reasonable amount to settle Claimants' claim for damages.

AMOUNT CLAIMED: \$727.67

AMOUNT AWARDED: \$727.67

CC-09-0457 BRUCE F. HAUPT V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2009 BMW struck a two and a half inch discontinuity between the milled portion of the road and the paved surface on the Kanawha Turnpike exit ramp from I-64 in Charleston, Kanawha County. Since Respondent had, at the least, constructive notice of the disrepair for at least one week, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$743.35

AMOUNT AWARDED: \$500.00

CC-09-0445 LARRY J. HAYES V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2006 Chevrolet Cobalt struck a hole on County Route 23/1 in Fairmont, Marion County. Since a hole in the travel portion of a heavily traveled secondary road created a hazard to the traveling public, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$317.95

AMOUNT AWARDED: \$317.95

CC-09-0170 KRYSTAL HELTON V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On February 6, 2009, Claimant's 2008 Acura struck a hole on Route 97 in Wyoming County. Respondent failed in its duty to properly maintain Route 97 prior to the date of this incident. Claimant's vehicle sustained damage in the amount of \$770.66. Respondent agrees that \$100.00, the amount of Claimant's insurance deductible, is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$770.66

AMOUNT AWARDED: \$100.00

CC-09-0159 DENISE HOKE V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On February 9, 2009, Claimant's 2008 Pontiac struck a hole on Roach Road near Salt Rock, Cabell County. Respondent failed in its duty to properly maintain Roach Road on the date of this incident. As a result, Claimant's vehicle sustained damage to its wheel in the amount of \$425.92. Respondent agrees that the amount of damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$425.92

AMOUNT AWARDED: \$425.92

CC-08-0487 WALTER S. HUGHES AND KELLY D. HUGHES V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2007 Pontiac Grand Prix struck a hole on Ashton Upland Road in Ashton, Mason County. The size of the hole and its location in the travel portion of the road lead the Court to conclude that Respondent had notice of this hazardous condition. Thus, the Court finds Respondent negligent. The Court is also of the opinion that the driver was negligent since she was aware of holes in the road and failed to reduce her speed in accordance with the road conditions. As a result, Claimants' recovery is reduced 15%.

AMOUNT CLAIMED: \$1,908.42

AMOUNT AWARDED: \$425.00

CC-09-0136 JASON HYETT V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On February 14, 2009, Claimant's 2008 Subaru Legacy struck a hole on Route 250 in Limestone, Marshall County. Respondent failed in its duty to properly maintain Route 250 on the date of this incident. Claimant's vehicle sustained damage in the amount of \$460.47, which Respondents agrees is a fair and reasonable amount to settle this claim.

AMOUNT CLAIMED: \$460.47

AMOUNT AWARDED: \$460.47

CC-09-0157 DENNIS JARRELL AND JEWELL REBECCA JARRELL V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2006 Cadillac struck a hole on WV Route 26 in Brandytown, Boone County. The Court is of the opinion that Respondent had, at the least, constructive notice of the holes in this particular area and that these holes created a hazard condition for the traveling public.

AMOUNT CLAIMED: \$964.24

AMOUNT AWARDED: \$500.00

CC-09-0608 CORNELIOUS JONES V. DIVISION OF HIGHWAYS

Claimant filed this action for vehicle damage which occurred when his 1997 Jaguar struck a one and a half inch discontinuity between the asphalt and metal expansion joint on I-64 East just prior to the Nitro bridge in Scott Depot, Kanawha County. Since no warning signs were present to warn the traveling public of the hazardous condition created by the milled pavement in the travel portion of the road leading up to a protruding metal bridge joint, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$1,544.32

AMOUNT AWARDED: \$500.00

CC-10-0191 VALERIE JORDAN V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On March 3, 2010, and March 8, 2010, Claimant's vehicle struck a hole on Tom Moran Lane in Marion County. Respondent failed in its duty to properly maintain Tom Moran Lane prior to the dates of the incidents. Respondent agrees that the amount of \$526.11 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$526.11

AMOUNT AWARDED: \$526.11

CC-08-0382 MARY GAIL JUSTICE AND CURTIS N. JUSTICE V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when debris fell from the I-64 bridge construction site onto their 2008 Toyota Camry while Claimant, Mary Justice, traveled beneath it on WV Route 60 in South Charleston, Kanawha County. Since the construction of the bridge created a hazard to the traveling public below, the Court finds Respondent negligent. Respondent may seek indemnification from the third-party contractor performing the bridge construction.

AMOUNT CLAIMED: \$494.38

AMOUNT AWARDED: \$494.38

CC-08-0288 ROBERT F. KANTHACK AND SHIRLEY KANTHACK V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when a sign struck their vehicle on I-64 west. Claimants' vehicle sustained damage in the amount of \$2,164.12, but they had an insurance deductible of \$100.00. The Court is of the opinion that Claimants' may make a recover for the damage to their vehicle since the sign was not adequately secured at the time of this incident.

AMOUNT CLAIMED: \$2,164.12

AMOUNT AWARDED: \$100.00

CC-10-0072 LAURA RANDOLPH-KENNEDY AND EVERETT SHAWN KENNEDY V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On January 7, 2010, Claimants' vehicle struck a hole on Emily Drive in Harrison County. Respondent is responsible for the maintenance of Emily Drive which it failed to properly maintain prior to the date of this incident. Respondent agrees that the amount of damages put forth by the Claimants is fair and reasonable.

AMOUNT CLAIMED: \$366.76

AMOUNT AWARDED: \$366.76

CC-09-0261 GARY W. KINDER V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On May 21, 2009, Claimant's vehicle struck a hole on Clear Fork Road in Raleigh County. Respondent failed in its duty to properly maintain Clear Fork Road prior to the date of this incident. Respondent agrees that the amount of damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$406.88

AMOUNT AWARDED: \$406.88

CC-09-0442 PHILIP S. LAWRENCE V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On June 1, 2009, Claimant's 2004 Volkswagen struck a hole on Oakwood Road in Charleston, Kanawha County. Respondent is responsible for the maintenance of Oakwood Road which it failed to maintain properly on the date of this incident. Respondent agrees that the amount of \$274.80 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$274.80

AMOUNT AWARDED: \$274.80

CC-09-0404 TERRAH LAWSON V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On August 8, 2009, Claimants vehicle struck a hole on Route 41 in Craigsville, Nicholas County. Respondent is responsible for the maintenance of Route 41 which it failed to adequately maintain prior to this incident. Respondent agrees that the damages put forth by the Claimant are fair and reasonable.

AMOUNT CLAIMED: \$336.34

AMOUNT AWARDED: \$336.34

CC-10-0044 LAURA LEE LEPORT V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On January 14, 2010, Claimant's 2006 Lexus struck a hole on Chaplin Road in Morgantown, Monongalia County. Respondent is responsible for the maintenance of Chaplin Road which it failed to maintain properly on the date of this incident. Respondent agrees that the amount of \$126.10 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$126.10

AMOUNT AWARDED: \$126.10

CC-10-0029 TRACY E. LEWIS V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On January 18, 2010, Claimants vehicle struck a hole on Route 19 in Harrison County. Respondent is responsible for the maintenance of Route 19, which it failed to adequately maintain prior to this incident. Respondent agrees that the damages put forth by the Claimant are fair and reasonable.

AMOUNT CLAIMED: \$417.22

AMOUNT AWARDED: \$417.22

CC-09-0148 WALTER LIPOSCHAK V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On February 24, 2009, Claimant's 2008 Chevrolet Impala struck a hole on Route 2 in Brooke County. Respondent failed in its duty to properly maintain the road on Route 2 on the date of this incident. Claimant's vehicle sustained damage in the amount of \$478.09. Respondent agrees that the amount of damages put forth by the Claimant is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$478.09

AMOUNT AWARDED: \$478.09

CC-10-0025 MONICA J. LOUGH V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 1998 Chevrolet Lumina struck a poorly marked median separating the entrance to and exit from WV Route 19, designated Robert C. Byrd Drive, in Mabscott, Raleigh County. The Court is of the opinion that Respondent had notice of the poorly demarcated median on the WV Route 16 entrance/exit ramp in Mabscott, and that the sign stub protruding from the median created a hazard to the traveling public. Thus, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$2,235.00

AMOUNT AWARDED: \$2,235.00

CC-10-0267 KATHLEEN LOVING V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On April 6, 2010, Claimant's vehicle struck a hole on WV Route 41, designated Stanaford Road, in Raleigh County. Respondent has a duty to maintain WV Route 41, which it failed to properly maintain prior to the date of the incident. Respondent agrees that the amount of damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$114.19

AMOUNT AWARDED: \$114.19

CC-09-0283 LARRY E. MAHON V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On May 29, 2009, Claimant's vehicle struck a hole on WV Route 10 near Man, Logan County. Respondent failed to properly maintain Route 10 on the date of this incident. As a result, Claimant's vehicle suffered damages in the amount of \$170.00. Respondent agrees that the amount of damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$170.00

AMOUNT AWARDED: \$170.00

CC-09-0414 PAMELA MARCHETTI AND EUGENE L. MARCHETTI III V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2005 Suzuki Foreza struck a hole on Waverly Road, designated WV Route 1, in Williamstown, Wood County. Since there were numerous holes at this location, the Court finds Respondent negligent. Thus, Claimants may make a recovery for the damage to their vehicle in the amount of their insurance deductible.

AMOUNT CLAIMED: \$514.29

AMOUNT AWARDED: \$500.00

CC-08-0192 LINDA K. MARCUM, ADMINISTRATOR OF THE ESTATE OF STEPHANIE MARCUM V. DIVISION OF HIGHWAYS

The parties stipulated to the following: Respondent is responsible for the maintenance of the Crum 4 Lane, a four lane by-pass road located in or near Crum, Wayne County. Linda K. Marcum is the mother of Stephanie Marcum, the administrator of Stephanie Marcum's estate and the sole heir and beneficiary. On or around April 27, 2006, Stephanie Marcum was operating her motor vehicle on the Crum 4 Lane when she was unexpectedly confronted by a very sharp curve which resulted in her vehicle striking a low lying rock cliff located just off the roadway. Ms. Marcum was killed as a result of this accident. Claimant alleges that Respondent was negligent in its maintenance, marking and signing of the portion of the Crum 4 Lane where Ms. Marcum's accident occurred. For the purpose of settlement of this claim, Respondent acknowledges responsibility for the accident. Claimant and Respondent agree that an award of \$950,000.00 is a fair and reasonable amount to settle this claim.

AMOUNT CLAIMED: \$950,000.00

AMOUNT AWARDED: \$950,000.00

CC-08-0417 CONNIE MARINO V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On December 5, 2006, Claimant sustained an injury while attempting to walk across County Route 60/14, which had recently been resurfaced and was elevated above a recessed inlet. Respondent is responsible for the maintenance of County Route 60/14. Claimant alleges that Respondent was negligent in failing to appropriately supervise the resurfacing of the road and failing to redress or cause to be redressed the recessed inlet. Claimant sustained a fracture dislocation to her left shoulder which will require future medical management and surgery. Claimant and Respondent agree that a total sum of \$199,000.00 is fair and reasonable to settle this claim.

AMOUNT CLAIMED: Unliquidated

AMOUNT AWARDED: \$199,000.00

CC-10-0071 JOHN A. MASSEY V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On January 24, 2010, Claimant's vehicle struck a hole on Route 60 in Kanawha County. Respondent failed in its duty to adequately maintain Route 60 prior to the date of this incident. Respondent agrees that the amount of damages put forth by the Claimant is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$672.41

AMOUNT AWARDED: \$672.41

CC-09-0446 CHARLES W. MATHES V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On September 5, 2009, Claimant's vehicle struck a broken sign post at the intersection of Pretty Glade Road and Denison Run Road in Cowen, Webster County. Respondent is responsible for the maintenance of the Denison Road intersection which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage in the amount of \$326.70. Respondent agrees that \$250.00, the amount of Claimant's insurance deductible, is a fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$326.70

AMOUNT AWARDED: \$250.00

CC-09-0053 LORI MCCORMICK V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2008 Nissan Maxima struck a hole on State Route 214 in Alum Creek, Lincoln County. The Court is of the opinion that Respondent had, at the least, constructive notice of the hole which occupied a significant portion of the northbound lane of traffic on a primary road, resulting in Claimant's vehicle damage. Thus, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$340.79

AMOUNT AWARDED: \$340.79

CC-09-0212 PHYLLIS MCCOY V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On April 18, 2009 Claimant's vehicle struck a hole on Munday Road in Elizabeth, Wirt County. Respondent failed in its duty to maintain the road properly on the date of the incident. Claimant's vehicle sustained damage in the amount of \$111.35 which Respondent agrees is fair and reasonable.

AMOUNT CLAIMED: \$111.35

AMOUNT AWARDED: \$111.35

CC-10-0079 DEBORAH MCGOUGAN V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On February 11, 2010, Claimant's vehicle struck a hole on Route 19 in Harrison County. Respondent is responsible for the maintenance of Route 19 which it failed to adequately maintain prior to this incident. Claimant's vehicle sustained damage in the amount of \$704.94. Respondent agrees that \$500.00, the amount of Claimant's insurance deductible, is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$704.94

AMOUNT AWARDED: \$500.00

CC-09-0128 JOE D. MCMILLION V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On February 12, 2009, Claimant's vehicle struck a hole on WV Route 60 in Kanawha County. Respondent is responsible for the maintenance of Route 60, which it failed to properly maintain on the date of this incident. As a result, Claimant's vehicle sustained damage in the amount of \$212.00 which amount Respondent agrees is fair and reasonable.

AMOUNT CLAIMED: \$212.00

AMOUNT AWARDED: \$212.00

CC-09-0173 CARL MCNEELY V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On April 6, 2009, Claimant's vehicle struck holes on Turtle Creek Road in Turtle Creek, Boone County. Respondent failed in its duty to maintain the road properly on the date of the incident. Claimant's vehicle sustained damage in the amount of \$493.48 which Respondent agrees is fair and reasonable.

AMOUNT CLAIMED: \$493.48

AMOUNT AWARDED: \$493.48

CC-08-0519 LINDEN L. MEADE V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On August 30, 2008, Claimant's vehicle struck a hole on the US Route 119 bridge in Danville, Boone County. Respondent is responsible for the maintenance of Route 119 which it failed to maintain properly on the date of this incident. Claimant's vehicle sustained damage in the amount of \$243.00 which Respondent agrees is a fair and reasonable amount.

AMOUNT CLAIMED: \$243.00

AMOUNT AWARDED: \$243.00

CC-09-0354 ROBERT C. MEANS V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage when occurred when his vehicle struck a series of holes on the entrance ramp onto WV Route 2 near Benwood, Marshall County. At the time of the incident, road work was being performed by a contractor on WV Route 2. The Court finds that although a contractor was performing maintenance at this location, the Respondent had, at least constructive notice of the condition of entrance ramp onto WV Route 2, and was therefore responsible for repairing defective roadway conditions.

AMOUNT CLAIMED: \$116.60

AMOUNT AWARDED: 116.60

CC-10-0260 LEONARD MILITELLO JR. V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On April 1, 2010, Claimant's vehicle struck a hole on the Route 2 in Fayette County. Respondent is responsible for the maintenance of Route 2 which it failed to maintain properly on the date of this incident. Claimant's vehicle sustained damage in the amount of \$313.65 which Respondent agrees is a fair and reasonable amount.

AMOUNT CLAIMED: \$313.65

AMOUNT AWARDED: \$313.65

CC-09-0436 FREELAND KENT MILLER V. DIVISION OF HIGHWAYS

Claimant brought this action for motorcycle damage which occurred when his 2006 Suzuki Katana 600 struck a hole on County Route 23/1, designated Hillcrest Road, in Fairmont, Marion County. The Court is of the opinion that Respondent had notice of the defect in the pavement which presented a hazard to the traveling public, prior to the incident, and thus, finds Respondent negligent. However, the Court is also of the opinion that since Claimant had knowledge of the defect prior to the incident he was 30% negligent and his award was reduced accordingly.

AMOUNT CLAIMED: \$769.54

AMOUNT AWARDED: \$538.68

CC-09-0462 HOLLY MILLER AND SHAWN MILLER V. DIVISION OF HIGHWAYS

The parties stipulated to the following: In April 2009, Claimants' vehicle was damaged when it struck a hole on Route 85 in Uneeda, Boone County. Respondent is responsible for the maintenance of Route 85, which it failed to maintain properly on the date of this incident. As a result, Claimants' vehicle sustained damages totaling \$1,021.84, however Claimants' had an insurance deductible of \$500.00. Respondent agrees that the amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$1,021.84

AMOUNT AWARDED: \$500.00

CC-09-0262 JUSTIN M. MILLER V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On March 28, 2009, Claimant's vehicle was damaged when it struck a hole on Hickory Flat Road in Buckhannon, Upshur County. Respondent is responsible for the maintenance of Hickory Flat Road which it failed to maintain properly on the date of this incident. As a result, Claimant sustained damages to his vehicle and towing expenses in the amount of \$1,802.00, which Respondent agrees is a fair and reasonable amount.

AMOUNT CLAIMED: \$1,802.00

AMOUNT AWARDED: \$1,802.00

CC-98-0413 NANCY B. MILLER AND ROBERT H. MILLER II V. DIVISION OF HIGHWAYS

The parties stipulated tot the following: On November 27, 1996, Claimant Nancy B. Miller was driving on US Route 19 near Bluefield, Mercer County, when she lost control of her vehicle, causing her to go off the road where her vehicle collided with a dump truck. Respondent is responsible for the maintenance of US Route 19. Claimants allege that Respondent's inadequate maintenance of the road and shoulder at the location of the incident caused or contributed to the accident. Claimant Nancy B. Miller was injured as a result of the accident and required long term medical treatment. Claimants and Respondent agree that an award of \$60,000.00 to be paid to Claimant Nancy B. Miller is fair and reasonable.

AMOUNT CLAIMED: Unliquidated

AMOUNT AWARDED: \$60,000.00

CC-09-0389 AMY MINTER V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2003 Pontiac Grand Prix GT went off the edge of the road into a dry creek bed on Lookout Road, designated as County Route 60/50, in Hico, Fayette County. The Court is of the opinion that Respondent had, at the least, constructive notice of the condition on the edge of the road and the presence of railroad ties at the location of this incident which created a hazardous condition for the traveling public. Thus, the Court finds Respondent negligent. However, the Court also finds that Claimant was forty percent (40%) negligent for the incident, and the award is reduced accordingly.

AMOUNT CLAIMED: \$1,086.50

AMOUNT AWARDED: \$600.00

CC-10-0046 CARRIE MOLES V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On January 22, 2010, Claimant's vehicle struck a hole on County Route 622/24 in Cross Lanes, Kanawha County. Respondent is responsible for the maintenance of the road, which it failed to adequately maintain prior to this incident. Claimant's vehicle sustained damage in the amount of \$1,071.15. Respondent agrees that \$500.00, the amount of Claimant's insurance deductible, is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$1,071.15

AMOUNT AWARDED: \$500.00

CC-09-0407 KIMBERLY LYNN JARRELL AND ELISHA MOORE V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage to their 2003 Oldsmobile Alero which occurred as a result of a rock slide on WV Route 85 in Madison, Boone County. The Court is of the opinion that Respondent had, at the least, constructive notice that this particular location on WV Route 85 was prone to rock slides. Furthermore, the size of the boulder leads the Court to conclude that Respondent should have inspected and maintained the hillside at this location to prevent such a hazard to the traveling public. Thus, the Court is of the opinion that Respondent was negligent.

AMOUNT CLAIMED: \$5,000.00

AMOUNT AWARDED: \$3,683.80

CC-09-0576 LISA M. MOORE V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2009 Honda Civic, driven by her daughter, struck a hole on County Route 7 in Mercer County. The Court is of the opinion that Respondent had, at the least, constructive notice of the hole which Claimant's vehicle struck and that it presented a hazard to the traveling public. Thus, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$141.90

AMOUNT AWARDED: \$141.90

CC-10-0090 GLENN W. MORGAN AND DIANE L. MORGAN V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2008 Saturn Aura struck a hole on I-77 South, between mile marker 8.0 and 8.6, causing damage to its rim and wheel. Since the hole was located on the interstate, where vehicles travel at high speeds, and surrounded by multiple other holes, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$312.92

AMOUNT AWARDED: \$312.92

CC-09-0483 KIMBERLY R. MORRIS V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2001 Lincoln Continental struck a hole on the exit ramp of the Kanawha Turnpike in Charleston, Kanawha County. The Court is of the opinion that Respondent had, at the least, constructive notice of the hole which Claimant's vehicle struck. The Court finds that the defect presented a hazard to the traveling public on this heavily traveled road. Thus, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$421.20

AMOUNT AWARDED: \$421.20

CC-09-0161 DENNIE L. MULLINS V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On September 17, 2008, Claimant's vehicle struck a hole on US Route 52, designated Main Street, near Burke Mountain in McDowell County. Respondent failed in its duty to adequately maintain this road prior to the date of the incident. Respondent agrees that the amount of damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$684.65

AMOUNT AWARDED: \$684.65

CC-10-0069 VIOLET MULLINS V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On January 17, 2010, Claimant's vehicle struck a hole on Interstate 79 in Roane County. Respondent failed in its duty to adequately maintain this road prior to the date of the incident. Respondent agrees that the amount of damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$76.31

AMOUNT AWARDED: \$76.31

CC-09-0562 GRACIE L. NEIL V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2003 GMC Sonoma struck a broken section of culvert on County Route 26/3, designated Mouse Creek, in Mt. Nebo, Nicholas County. The Court is of the opinion that Respondent had, at the least, constructive notice of the condition on County Route 26/3. Since a sharp section of broken culvert created a hazard to the traveling public, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$112.36

AMOUNT AWARDED: \$112.36

CC-09-0149 ANGELITA NIXON V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On March 12, 2009, Claimant was driving her 2008 Toyota Prius on Rocky Step Road in Scott Depot, Putnam County, when the vehicle struck a hole on the edge of the road. Respondent is responsible for the maintenance of Rocky Step Road which it failed to maintain properly on the date of this incident. Claimant's vehicle sustained damage in the amount of \$132.32. The Court finds that the Claimant may make a recovery for her loss.

AMOUNT CLAIMED: \$132.32

AMOUNT AWARDED: \$132.32

CC-09-0153 ONE GATEWAY ASSOCIATES LLC V. DIVISION OF HIGHWAYS

Claimant, a developer, brought this action to recover over \$3,000,000.00 for alleged breach of contract by Respondent when the parties entered into a contract for the exchange of property, construction by Respondent of an expanded intersection, and agreement by Claimant to construct a frontage road abutting US 19 in Summersville. Claimant constructed the frontage road in accordance with the design approved by Respondent, and then Claimant deeded the property(1.76 acres) under the roadway and the completed roadway to Respondent. Respondent, however, was unable to provide an expanded intersection and access road to Claimant's development when a condemnation action for 5,000 sq. ft. of land was not successful.

Claimant asserted that Respondent did not use its "best efforts" as stated in the contract since Respondent did not appeal an adverse ruling in the condemnation action in circuit court to the Supreme Court of Appeals of W.Va. Further, Claimant claimed loss of use of property for additional development when it built the frontage road on its property and that road was not necessary for its development but only for Respondent which planned a continuous frontage road along US 19 for the public. Claimant also alleged it should be compensated for the property which it deeded to Respondent with the frontage road and for attorney fees it incurred for another issue of the access road to its property in a successful appeal to the Supreme Court of Appeals. The Court denied recovery by Claimant for the loss of use since this was based upon speculation and for the attorney fees since Claimant made a determination to expend its resources separate and apart from the contract in question.

This Court found that the contract between the parties was impossible for Respondent to perform when the action in circuit court failed. Respondent was unable to construct the anticipated intersection through no fault of its own.

However, the Court also determined that Respondent received a completed section of roadway built in accordance with its plans and specifications and accepted by it as part of the State highway system which was constructed and completed by Claimant per the terms of the contract. Thus, one party (Respondent) to the contract received what it anticipated to receive while the other party (Claimant) did not.

Accordingly, the Court made an award for the construction cost of the frontage road completed by Claimant and received by Respondent per the terms of the contract which the parties agreed was in the amount of \$554,000.00.

AMOUNT CLAIMED: \$3,276,000.00

AMOUNT AWARDED: \$554,000.00

CC-10-0472 SHEILA PAITSEL V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On June 6, 2010, Claimant's vehicle struck a hole on WV Route 3 in Eunice, Raleigh County. Respondent is responsible for the maintenance of Route 3 which it failed to adequately maintain prior to the date of this incident. Respondent agrees that the amount of \$374.00 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$374.00

AMOUNT AWARDED: \$374.00

CC-09-0643 JASON PALMER V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2006 Chevrolet Malibu was covered with what he alleged to be solidified cement dust that had fallen from the Third Street Bridge construction above Merchant Street in Fairmont, Marion County. The Court is of the opinion that Respondent had notice of the construction that was taking place on the Third Street bridge, and that jack hammering on the bridge deck kicked up concrete dust. Since the solidification of concrete dust on the top of vehicles permitted to park beneath the bridge during construction created a foreseeable harm to the public, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$507.53

AMOUNT AWARDED: \$500.00

CC-10-0137 BENJAMIN PARKER V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On February 24, 2010, Claimant's vehicle struck a hole on Interstate 79 in Marion County. Respondent is responsible for the maintenance of I-79 which it failed to adequately maintain prior to the date of this incident. Respondent agrees that \$500.00, the amount of Claimant's insurance deductible, is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$200.00

AMOUNT AWARDED: \$200.00

CC-10-0348 BARRY W. PARKS V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On March 28, 2010, Claimant's vehicle struck a hole on WV Route 705 in Monongalia County. Respondent is responsible for the maintenance of Route 3 which it failed to adequately maintain prior to the date of this incident. Respondent agrees that the amount of \$500.00 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$500.00

AMOUNT AWARDED: \$500.00

CC-09-0312 STEVE PAULEY V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On or about March 17, 2009, Claimant's 2005 Acura TL struck a hole on Route 85 in Uneda, Boone County. Respondent is responsible for the maintenance of Route 85, which it failed to properly maintain on the date of this incident. As a result, Claimant's vehicle sustained damages in the amount of \$868.00. Respondent agrees that \$500.00, the amount of Claimant's insurance deductible, is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$868.00

AMOUNT AWARDED: \$500.00

CC-02-0158 STEVEN BRENT PETERS AND MARIANNE PETERS V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On April 7, 2000, Claimant Steven Brent Peters was driving north on WV Route 2 near Moundsville, Marshall County, when he struck a large boulder in the center of the northbound lane. Respondent is responsible for the maintenance of Route 2. Claimant sustained severe traumatic injuries to his left leg, requiring ongoing medical care and treatment. Claimants allege that Respondent had constructive notice of the hazardous rock fall conditions at the location at issue and failed to take adequate steps to remedy the hazardous condition. Claimants and Respondent agree that an award of \$320,000.00, to be paid to Claimant Steven Brent Peters, would be fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$1,000,000.00

AMOUNT AWARDED: \$320,000.00

CC-09-0328 FRANCES M. PITTMAN V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her vehicle struck a raised storm sewer cover on 36th Street in Parkersburg, Wood County. Based on the testimony adduced at hearing the Court is of the opinion that Respondent had, at the least, constructive notice of the raised storm sewer cover that Claimant's vehicle struck, and that it created a hazard to the traveling public. Thus, the Claimant may make a recovery for her damages.

AMOUNT CLAIMED: \$412.32

AMOUNT AWARDED: \$412.32

CC-09-0200 JESSICA POLICICCHIO V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On February 11, 2009, Claimant's vehicle struck a hole at the intersection of University Avenue and Patteson Drive in Monongalia County. Respondent is responsible for the maintenance of said intersection, which it failed to adequately maintain prior to the date of the incident. Claimant's vehicle sustained damage in the amount of \$226.90. Respondent agrees that the amount of damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$227.90

AMOUNT AWARDED: \$227.90

CC-09-0411 ALBERT H. POSTLEWAIT JR. V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his vehicle struck a hole on County Route 9 in Wheeling, Ohio County. At the time of the incident, Claimant was towing a six-foot trailer. Claimant alleged damages to his trailer's rims and tires (\$52.99) and his vehicle's transmission (\$1,931.49). Respondent admitted liability in this claim, but contested Claimant's damages. The Court finds that Claimant is entitled to recover only those damages that were proximately caused by Respondent's negligent maintenance of County Route 9 (i.e., the tires and rims). Claimant is not entitled to recover for the repair of his transmission, since the Court finds that such damages were caused by the strain Claimant placed on his vehicle by continuing to haul the trailer with damaged rims and tires.

AMOUNT CLAIMED: \$1,931.49

AMOUNT AWARDED: \$52.99

CC-09-0048 MELODY POTTER AND ROBERT L. POTTER V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On January 4, 2009, Claimants' vehicle struck a hole on WV Route 214 in Kanawha County. Respondent failed in its duty to adequately maintain Route 214 prior to the date of this incident. Respondent agrees that \$500.00, the amount of Claimants' insurance deductible, is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$678.81

AMOUNT AWARDED: \$500.00

CC-10-0019 CONNIE POVEROMO V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On November 14, 2009, Claimant's vehicle struck a hole on WV Route 3 near Danville, Boone County. On the date of this incident, Respondent failed in its duty to properly maintain WV Route 3. As a result, Claimant's vehicle sustained damage in the amount of \$261.82, which Respondent agrees is fair and reasonable.

AMOUNT CLAIMED: \$261.82

AMOUNT AWARDED: \$261.82

CC-08-0159 TOMMY DALE POWERS AND EARNESTINE MESSER POWERS V. DIVISION OF HIGHWAYS

The parties stipulated to the following: Claimants own property located on State Route 65/9, and Five Mile Creek flows between their property and State Route 65/9. Respondent is responsible for the maintenance of State Route 65/9. In the mid-1980s Respondents constructed a culvert downstream from Claimant's property which altered the flow of Five Mile Creek. Claimants assert that said construction resulted in the erosion of the banks of the creek adjacent to their property. In June or July 2006, Respondent installed gabion baskets along the banks of the creek to prevent further erosion. In May 2007, a heavy rain storm caused the water to rise in Five Mile Creek and cause damage by washing away a portion of Claimants' property. Claimants expended \$3,018.77 to repair the damage to their property. The parties agree that \$1,500.00 is a fair and reasonable amount to settle this claim.

AMOUNT CLAIMED: \$3,018.77

AMOUNT AWARDED: \$1,500.00

CC-09-0203 FRED D. PRICE V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On September 27, 2008, Claimant's 2007 Mazda MX5 struck a hole on I-64 between Exits 39 and 40. Respondent is responsible for the maintenance of I-64, which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage in the amount of \$400.00. Respondent agrees that the amount of damage put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$400.00

AMOUNT AWARDED: \$400.00

CC-10-0201 DAVID PRIDEMORE V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On January 18, 2010, Claimant's vehicle struck a hole on Route 60 east in Fayette County. On the date of this incident, Respondent failed in its duty to properly maintain Route 60. Respondent agrees that \$500.00, the amount of Claimant's insurance deductible, is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$820.00

AMOUNT AWARDED: \$500.00

CC-08-0109 THOMAS REED AND JESSICA REED V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On February 7, 2008, Claimants' vehicle struck two holes on the Teays Valley ramp located off of I-64 East. Respondent agrees that the amount of \$500.00 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$500.00

AMOUNT AWARDED: \$500.00

CC-09-0226 GREGORY R. RHODES V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On April 25, 2009, Claimant's vehicle struck a hole on Clear Fork Road in Raleigh County. Respondent is responsible for, but failed to, maintain Clear Fork Road on the date of this incident. As a result, Claimant's vehicle sustained damage in the amount of \$494.51. Respondent agrees that the amount of damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$494.51

AMOUNT AWARDED: \$494.51

CC-09-0045 JUDY A. RIDENOUR V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2006 Saturn Ion struck a hole on County Route 33 in Fairmont, Marion County. The Court is of the opinion that Respondent had, at the least, constructive notice of the defect in the travel portion of the road at the location of this incident, and thus is negligent. The Court also determined that Claimant was twenty-five percent (25%) negligent for the incident given her knowledge of the road defect, and her award was reduced accordingly.

AMOUNT CLAIMED: \$301.66

AMOUNT AWARDED: \$187.50

CC-09-0044 JUDY A. RIDENOUR V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2006 Saturn Ion struck a hole on County Route 33 in Fairmont, Marion County. The Court is of the opinion that Respondent had, at the least, constructive notice of the defect in the travel portion of the road at the location of this incident, and thus is negligent. The Court also determined that Claimant was twenty-five percent (25%) negligent for the incident given her knowledge of the road defect, and her award was reduced accordingly.

AMOUNT CLAIMED: \$324.85

AMOUNT AWARDED: \$187.50

CC-10-0213 JEFFREY SCOTT RILEY V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2008 Ford Focus struck a hole on County Route 67, designated Stewartstown Road, in Morgantown Monongalia County. The Court is of the opinion that Respondent had, at the least, constructive notice of defects in the pavement on County Route 67; and that a hole on the travel portion of the road creates a hazard to the traveling public. The Court finds Respondent negligent.

AMOUNT CLAIMED: \$503.94

AMOUNT AWARDED: \$500.00

CC-09-0304 MICHELLE RISER V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On May 29, 2009, Claimant's vehicle struck a hole on Route 19 in Fayette County. Respondent is responsible for the maintenance of Route 19 which it failed to properly maintain prior to the date of this incident. Respondent agrees that \$483.52, the amount of damages put forth by the Claimant, is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$483.52

AMOUNT AWARDED: \$483.52

CC-10-0012 ANDREW J. ROGERS V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On August 9, 2009, Claimant's 2003 Harley Davidson struck a hole on U.S. Route 119 between Elkview and Clendenin. Respondent is responsible for the maintenance of U.S. Route 119 which it failed to maintain properly on the date of this incident. As a result, Claimant's motorcycle sustained damage in the amount of \$1,196.42. Respondent agrees that \$500.00, the amount of Claimant's insurance deductible, is fair and reasonable.

AMOUNT CLAIMED: \$1,196.42

AMOUNT AWARDED: \$500.00

CC-09-0110 THELMA ROUPE AND LEO R. ROUPE V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On February 10, 2009, Claimant's vehicle struck a hole on Route 2 in Marshall County. Respondent is responsible for the maintenance of Route 2 which it failed to properly maintain prior to the date of this incident. Respondent agrees that \$159.00, the amount of damages put forth by the Claimant, is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$159.00

AMOUNT AWARDED: \$159.00

CC-10-0361 ERIC L. RUNYON V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his vehicle struck a hole on WV Route 85 in Uneda, Boone County. The Court is of the opinion that Respondent had constructive notice of the defects in the pavement on Route 85, a school bus route. Since a deep jagged hole in the travel portion of the road creates a hazard to the traveling public, the Court finds Respondent negligent. However, the Court has determined Claimant was 10% negligent in the incident, since she, too, had prior notice of the defect; thus, the award is reduced accordingly.

AMOUNT CLAIMED: \$1,472.29

AMOUNT AWARDED: \$450.00

CC-09-0150 GARY LEE SAMPLES AND MARY L. SAMPLES V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On or around February 28, 2008, Claimant was operating his vehicle on Chipps Hollow Road near Star City, Monongalia County, when his vehicle began to sliding on ice, struck a section of guardrail on the bridge that was in disrepair, and rolled off the bridge into the creek below. While exiting his vehicle, Claimant slipped and fell on some icy rocks in the creek and injured his right shoulder, requiring surgery. Respondent is responsible for the maintenance of Chipps Hollow Road, and acknowledges culpability for this accident. Claimants and Respondent agree that an award of \$50,000.00 is a fair and reasonable amount to settle this claim.

AMOUNT CLAIMED: \$150,000.00

AMOUNT AWARDED: \$50,000.00

CC-10-0442 PAUL J. SCHUMACHER V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On March 5, 2010, Claimant's vehicle struck a hole on Route 19 north in Monongalia County. Respondent is responsible for the maintenance of Route 19 which it failed to properly maintain prior to the date of this incident. Respondent agrees that \$500.00, the amount of Claimant's insurance deductible, is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$841.00

AMOUNT AWARDED: \$500.00

CC-10-0246 LARRY SCOTT V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On January 4, 2010, Claimant's vehicle struck a hole on WV Route 307, designated Grandview Road, in Raleigh County. Respondent is responsible for the maintenance of Route 307 which it failed to properly maintain prior to the date of this incident. Respondent agrees that \$334.07, the amount of damages put forth by the Claimant, is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$334.07

AMOUNT AWARDED: \$334.07

CC-10-0441 BETHANY SHEETS, JOSEPH SHEETS, AND DORIS SHEETS V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2000 Subaru Legacy struck a hole on County Route 8/1, designated Kingwood Pike, near Morgantown, Monongalia County. The Court is of the opinion that Respondent had, at the least, constructive notice of the condition on County Route 8/1. Since holes in the travel portion of the road created a hazard to the traveling public, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$332.10

AMOUNT AWARDED: \$332.10

CC-10-0231 STEVE SINCLAIR AND ROBIN SINCLAIR V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2008 Chrysler Sebring struck a hole on US Route 250 in Fairmont, Marion County. The Court is of the opinion that, although Respondent was operating in snow removal and ice control (SRIC) mode on the date of this incident, the size of the hole and its location in the travel portion of the road lead the Court to conclude that the condition existed prior to the snowfall and that Respondent had adequate time to make necessary repairs to remedy the hazardous condition. The Court finds Respondent negligent.

AMOUNT CLAIMED: \$1,049.93

AMOUNT AWARDED: \$500.00

CC-09-0447 LARRY S. SITES V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On September 4, 2009, Claimant's vehicle struck a hole on US Route 33 in Elkins, Randolph County. Respondent is responsible for the maintenance of US Route 33, which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage in the amount of \$168.54. Respondent agrees that the amount of damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$168.54

AMOUNT AWARDED: \$168.54

CC-09-0059 NED SIZEMORE V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On January 26, 2009, Claimant was driving east on WV Route 62, from Ripley to Cottageville, when his 2007 Buick Lucerne struck a hole in the road. Respondent agrees that the amount of \$500.00 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$500.00

AMOUNT AWARDED: \$500.00

CC-06-0129 JERRY SLATER V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On April 10, 2006, Claimant's vehicle struck a hole on I-64 in Jackson County. As a result, Claimant's vehicle sustained damage in the amount of \$542.75. Respondent agrees that \$500.00, the amount of Claimant's insurance deductible, is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$542.75

AMOUNT AWARDED: \$500.00

CC-09-0183 JANET SMITH V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2001 Jeep Grand Cherokee and her 2005 Dodge 1500 truck were damaged as a result of striking holes on County Route 44 in Leon, Mason County. The Court finds that County Route 44 is a school bus route with numerous holes in the travel portion of the road, and that Respondent was negligent in its maintenance of the road.

AMOUNT CLAIMED: \$1,081.91

AMOUNT AWARDED: \$1,081.91

CC-08-0394 JUDY SMITH V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On June 2, 2008, Claimant's vehicle struck a hole on Route 14 in Williamstown, Wood County. Respondent is responsible for the maintenance of Route 14 which it failed to properly maintain on the date of this incident. As a result, Claimant sustained damages in the amount of \$526.30. Respondent agrees that the amount put forth by the Claimant for damages is fair and reasonable.

AMOUNT CLAIMED: \$526.30

AMOUNT AWARDED: \$526.30

CC-09-0139 MICHAEL A. SMITH V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On February 9, 2009, Claimant's 2008 Chevrolet Impala struck a hole on US Route 60 west of St. Albans, causing damage to his vehicle. Respondent is responsible for the maintenance of US Route 60 which it failed to maintain properly on the date of this incident. Claimant's insurance deductible was \$250.00 at the time of the incident, and Respondent agrees that this amount is fair and reasonable.

AMOUNT CLAIMED: \$491.01

AMOUNT AWARDED: \$250.00

CC-10-0017 KALIE. SNYDER AND PATRICIA A. SNYDER V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On January 9, 2010, Claimant's vehicle struck a hole on Route 50 in Harrison County. Respondent is responsible for the maintenance of Route 50 which it failed to properly maintain prior to the date of this incident. Respondent agrees that \$528.86, the amount of damages put forth by the Claimant, is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$528.86

AMOUNT AWARDED: \$528.86

CC-09-0420 ANTHONY SPAGNUOLO V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2002 Ford Thunderbird struck a hole in the berm on US Route 19 near Dawmont, Harrison County. The Court is of the opinion that Respondent breached its duty to maintain the berm of this highway in reasonably safe condition for when the occasion required, as it was in this incident. Thus, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$1,285.88

AMOUNT AWARDED: \$1,000.00

CC-09-0630 EDNA STARCHER V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On December 3, 2009, Claimant's vehicle struck a hole on Route 119 south in Roane County. Respondent is responsible for the maintenance of Route 119, which it failed to properly maintain prior to the date of this incident. Respondent agrees that \$136.89, the amount of damages put forth by the Claimant, is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$136.89

AMOUNT AWARDED: \$136.89

CC-09-0469 STEFANIE STARCHER V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On May 10, 2009, Claimant's vehicle struck a hole on County Route 1, designated Oil Ridge Road, in Sisterville, Tyler County. Respondent is responsible for the maintenance of County Route 1 which it failed to properly maintain prior to the date of this incident. Respondent agrees that \$316.39, the amount of damages put forth by the Claimant, is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$316.39

AMOUNT AWARDED: \$316.39

CC-09-0282 SHIRLEY STEPHENS V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On May 26, 2009, Claimant's 2006 Ford 500 struck a hole on WV Route 10 in Barboursville, Cabell County. Respondent is responsible for the maintenance of WV Route 10 which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage totaling \$574.21. Respondent agrees that the amount put for by the Claimant for damages is fair and reasonable.

AMOUNT CLAIMED: \$574.21

AMOUNT AWARDED: \$574.21

CC-09-0600 JANETT S. STEVENS AND JOHN H. STEVENS V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2005 Nissan Altima struck a hole on Camp Creek Road in Lavalette, Wayne County. As a result, Claimants' vehicle was damaged in the amount of \$1,050.65, however, their recovery is limited by their \$500.00 insurance deductible. Since Claimants had notified Respondent of the hole prior to the incident, the Court is of the opinion that Respondent had actual knowledge that it presented a hazard to the traveling public, and finds Respondent negligent.

AMOUNT CLAIMED: \$1,050.65

AMOUNT AWARDED: \$500.00

CC-10-0097 BECKY STEWART V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when she drove a rental car over a pile of snow and asphalt on County Route 19/63, designated Locust Estates, in Sutton, Braxton County. The Court is of the opinion that Respondent had, at the least, constructive notice that its snow removal activities left behind a pile of snow and asphalt shards across the travel portion of the road on County Route 19/63 which created a hazard to the traveling public. The Court finds Respondent negligent.

AMOUNT CLAIMED: \$309.60

AMOUNT AWARDED: \$309.60

CC-09-0290 JUSTIN STIREWALT V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On May 20, 2009, Claimant's 2001 Oldsmobile Alero struck a hole on Rocky Step Road in Scott Depot, Putnam County. Respondent is responsible for the maintenance of Rocky Step Road which it failed to maintain properly on the date of this incident. Respondent agrees that the amount of \$356.49 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$356.49

AMOUNT AWARDED: \$356.49

CC-09-0081 PENNY STONE AND DEAN STONE V. DIVISION OF HIGHWAYS

The parties stipulated to the following: At approximately 6:50 a.m. on January 7, 2009, Claimant, Penny Stone, was driving west on State Route 61 in front of the Go Mart and Digital Concepts in Chelyan, Kanawha County, when their vehicle struck a hole in the road. Respondent agrees that the amount of \$246.05 for the damages put forth by the Claimants is fair and reasonable.

AMOUNT CLAIMED: \$776.05

AMOUNT AWARDED: \$246.05

CC-09-0144 BERNARD STOUT V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On March 6, 2009, Claimant's vehicle struck a hole on Route 89 in New Martinsville, Wetzel County. Respondent is responsible for the maintenance of Route 89 which it failed to properly maintain prior to the date of this incident. Respondent agrees that \$100.00, the amount of Claimant's insurance deductible, is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$174.60

AMOUNT AWARDED: \$100.00

CC-09-0578 STACY STOWERS AND TIM STOWERS V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their vehicle struck a deep manhole on US Route 60 in South Charleston, Kanawha County. The Court is of the opinion that Respondent had constructive notice of the deep manholes located within a construction site on US Route 60; and that such holes in the travel portion of the road created a hazard to the traveling public. The Court finds Respondent negligent.

AMOUNT CLAIMED: \$265.01

AMOUNT AWARDED: \$265.01

CC-09-0368 CHELSEA STUBERG V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On June 5, 2009, Claimant's vehicle struck a hole on Route 7 in Monongalia County. Respondent is responsible for the maintenance of Route 7 which it failed to properly maintain prior to the date of this incident. Respondent agrees that \$180.18, the amount of damages put forth by the Claimant, is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$180.18

AMOUNT AWARDED: \$180.18

CC-09-0127 GARY ALLEN SWEENEY V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when a rock fell on his 2003 GMC Yukon on WV Route 10 in Logan County. The Court is of the opinion that Respondent failed to take adequate measures to prevent rock falls on this heavily traveled road and that the two foot concrete barrier is insufficient to protect the traveling public from rock falls at this location. Thus, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$653.52

AMOUNT AWARDED: \$653.52

CC-09-0213 ALADDIN Z. SYED V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2006 Dodge Caravan struck an object in the roadway on I-70 west in Wheeling, Ohio County. The Court is of the opinion that because the object was obstructing the left lane of travel on this high priority road, Respondent had, at the least, constructive notice of the object in the roadways. Thus, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$1,393.14

AMOUNT AWARDED: \$1,000.00

CC-10-0013 ERMA TATAR V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2008 Pontiac GT6 struck a hole on County Route 3, designated as Mozart Road, in Wheeling, Marshall County. The Court is of the opinion that Respondent had, at least constructive notice of the condition of the hole, and that it presented a hazard to the traveling public. Claimant's damages were \$161.25, but her insurance deductible was \$100.00.

AMOUNT CLAIMED: \$161.25

AMOUNT AWARDED: \$100.00

CC-09-0313 RONALD L. TAYLOR V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his vehicle struck a deep inlet grate on US Route 219 in Pocahontas County. The Court is of the opinion that Respondent had, at the least, constructive notice of the exposed inlet grate, and thus was negligent. Claimant's damages were \$2,930.90, but his insurance deductible was \$500.00.

AMOUNT CLAIMED: \$2,930.90

AMOUNT AWARDED: \$500.00

CC-09-0146 BETTY P. THOMAS V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On February 9, 2009, Claimant's vehicle struck a hole on WV Route 62 between Mason and Point Pleasant, Mason County. Respondent is responsible for the maintenance of WV Route 62 which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage in the amount of \$401.67. Respondent agrees that \$100.00, the amount of Claimant's insurance deductible, is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$401.67

AMOUNT AWARDED: \$100.00

CC-09-0380 VERN THOMPSON JR. V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when the berm gave way beneath his 1999 Jeep Grand Cherokee on County Route 6, designated as Shaver's Fork Road, in Randolph County. The Court is of the opinion that Respondent at, at the least, constructive knowledge of the condition of the berm on County Route 6, and that when Claimant needed to drive off the side of the road to avoid oncoming traffic the berm created a hazard to the traveling public. Thus, the Court finds Respondent negligent. The Court is also of the opinion that Claimant was 25% negligent in failing to pull over at a wide spot, and thus his award is reduced accordingly.

AMOUNT CLAIMED: \$7,390.00

AMOUNT AWARDED: \$5,542.50

CC-09-0347 TYLER R. DAVIS AND SANDRA TOLER V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On June 26, 2009, Claimant's vehicle struck a hole on Kopperston Mountain in Pineville, Wyoming County. Respondent is responsible for the maintenance of said road which it failed to properly maintain prior to the date of this incident. Respondent agrees that \$600.57, the amount of damages put forth by the Claimant, is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$600.57

AMOUNT AWARDED: \$600.57

CC-09-0058 BRITTANY TOLLEY AND CHRISTOPHER TOLLEY V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2006 Chevrolet Cobalt struck a hole on WV Route 62 in Bancroft, Putnam County. The Court is of the opinion that Respondent was negligent in not placing cones or warning signs to alert the traveling public to the hazard at this location. The Court also finds that Claimant was 15% negligent in the incident since she was aware of the presence of the hole and could have reduced her speed based on road conditions.

AWARD CLAIMED: \$204.43

AMOUNT AWARDED: \$173.77

CC-09-0330 RICHARD S. TRUITT V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On June 3, 2009, Claimant's 2008 Mercedes struck a hole on Shadyside Road in St. Albans, Kanawha County. Respondent is responsible for the maintenance of Shadyside Road which it failed to maintain properly on the date of the incident. Respondent agrees that \$100.00, the amount of Claimant's insurance deductible is fair and reasonable.

AMOUNT CLAIMED: \$693.13

AMOUNT AWARDED: \$100.00

CC-09-0320 PEARLINE TURNER V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 1988 Jaguar XJ struck a hole on WV Route 612 in Mossy, Fayette County. The size of the hole and its location on the travel portion of the road leads the Court to conclude that Respondent was negligent.

AMOUNT CLAIMED: \$945.21

AMOUNT AWARDED: \$945.21

CC-10-0247 REBECCA A. VAUGHN V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On February 25, 2010, Claimant's vehicle struck a hole on Mercer Mall Road, in Bluefield, Mercer County. Respondent is responsible for the maintenance of Mercer Mall Road which it failed to properly maintain prior to the date of this incident. Respondent agrees that \$109.66, the amount of damages put forth by the Claimant, is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$109.66

AMOUNT AWARDED: \$109.66

CC-07-0215 ANDREA WARD V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 1999 Dodge Neon struck a manhole cover on Harvey Street in Williamson, Mingo County. The Court is of the opinion that because Respondent took this road into its system; therefore, Respondent bears the responsibility for its maintenance which it failed to properly maintain on the date of this incident.

AMOUNT CLAIMED: \$1,836.53

AMOUNT AWARDED: \$1,836.53

CC-10-0076 SHARON A. WARE AND PAUL M. WARE V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2010 GMC Terrain struck a hole, approximately four feet long, on the berm of US Route 250 North in Taylor County. The size of the hole leads the Court to conclude that Respondent had notice of this hazardous condition, and thus finds Respondent negligent.

AMOUNT CLAIMED: \$1,833.32

AMOUNT AWARDED: \$500.00

CC-10-0121 LESSLIE WHITE AND SHEILA WHITE V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On January 6, 2010, Claimant's vehicle struck a hole on County Route 5 in Boone County. Respondent is responsible for the maintenance of County Route 5 which it failed to properly maintain prior to the date of this incident. Respondent agrees that \$220.48, the amount of damages put forth by the Claimant, is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$220.48

AMOUNT AWARDED: \$220.48

CC-10-0122 LESSLIE WHITE AND SHEILA WHITE V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On February 21, 2010, Claimant's vehicle struck a hole on County Route 5 in Boone County. Respondent is responsible for the maintenance of County Route 5 which it failed to properly maintain prior to the date of this incident. Respondent agrees that \$222.60, the amount of damages put forth by the Claimant, is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$222.60

AMOUNT AWARDED: \$222.60

CC-08-0535 PAUL WHITE AND KAREN WHITE V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2002 Buick Century struck a hole on WV Route 2 in Mason County. Since Respondent was aware of the hole in the driving portion of the lane, in a turn and on a priority one road, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$737.72

AMOUNT AWARDED: \$737.72

CC-09-0032 ROGER A. WHITE AND TERRI ANN WHITE V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their vehicle struck a hole on WV Route 26 in Brandytown, Boone County. Since Respondent was aware of numerous holes on this coal hauling road, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$335.04

AMOUNT AWARDED: \$335.04

CC-09-0167 BETTY A. WILSON V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On March 26, 2009, Claimant's vehicle struck a hole on McCorkle Avenue in South Charleston, Kanawha County. Respondent failed in its duty to properly maintain McCorkle Ave. on the date of this incident. As a result, Claimant's vehicle suffered damage in the amount of \$280.57. Respondent agrees that \$250.00, the amount of Claimant's insurance deductible, is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$280.57

AMOUNT AWARDED: \$250.00

CC-10-0112 SHIRLEY ANN WILSON V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On February 25, 2010, Claimant's vehicle struck a hole at the intersection of Route 3 and Route 311 in Monroe County. Respondent is responsible for the maintenance of said intersection which it failed to properly maintain prior to the date of this incident. Respondent agrees that \$100.00, the amount of Claimant's insurance deductible, is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$185.81

AMOUNT AWARDED: \$100.00

CC-09-0604 JAMES P. WINSKI V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 1999 Toyota Corolla struck a hole on Kincheloe Road, designated County Route 35, near Benson, Harrison County. The Court is of the opinion that Respondent had, at the least, constructive notice of the holes on County Route 35 which created a hazard to the traveling public. The Court finds Respondent negligent. The Court also finds Claimant was ten percent (10%) negligent, and his award was reduced accordingly.

AMOUNT CLAIMED: \$414.75

AMOUNT AWARDED: \$373.28

CC-10-0327 VICKIE L. WOOD V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On May 3, 2010, Claimant's vehicle struck a hole on Old Grafton Road in Marion County. Respondent is responsible for the maintenance of Old Grafton Road which it failed to properly maintain prior to the date of this incident. Respondent agrees that \$72.08, the amount of damages put forth by the Claimant, is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$72.08

AMOUNT AWARDED: \$72.08

CC-10-0106 EMMA J. WRIGHT V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On February 11, 2010, Claimant's vehicle struck a hole on Ackerman Road in Monongalia County. Respondent is responsible for the maintenance of Ackerman Road which it failed to properly maintain prior to the date of this incident. Respondent agrees that \$175.00, the amount of damages put forth by the Claimant, is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$175.00

AMOUNT AWARDED: \$175.00

CC-10-0084 CARLA YAQUINTA V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On February 13, 2010, Claimant's vehicle struck a hole on Johnson Avenue in Harrison County. Respondent is responsible for the maintenance of Johnson Avenue, which it failed to properly maintain prior to the date of this incident. Respondent agrees that \$278.71, the amount of damages put forth by the Claimant, is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$278.71

AMOUNT AWARDED: \$278.71

CC-10-0256 CHARLES E. YATES V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On March 2, 2010, Claimant's 2007 Mazda 6 struck a hole on WV Route 61 near Crown Hill, Kanawha County. Respondent failed in its duty to adequately maintain WV Route 61 prior to the date of the incident. Respondent agrees that the \$190.22, the amount of damages put forth by the Claimant, is fair and reasonable.

AMOUNT CLAIMED: \$190.22

AMOUNT AWARDED: \$190.22

CLAIM AGAINST EDUCATIONAL BROADCASTING AUTHORITY

CC-10-0129 ATLANTIC BROADBAND GROUP LLC V. EDUCATIONAL BROADCASTING AUTHORITY

Claimant seeks to recover \$9,650.15 for unpaid invoices for the lease of a cable tower located on Cacapon Mountain. In its Answer, Respondent admits the validity of the claim as well as the amount, and states that there were sufficient funds expired in the appropriate fiscal years from which the invoices could have been paid.

AMOUNT CLAIMED: \$9,650.15

AMOUNT AWARDED: \$9,650.15

CLAIM AGAINST PUBLIC SERVICE COMMISSION

CC-10-0431 POMEROY IT SOLUTIONS V. PUBLIC SERVICE COMMISSION

Claimant seeks to recover \$695.40 for technological services it provided to Respondent. In its Answer, Respondent admits the validity of the claim as well as the amount, and states that there were sufficient funds expired in the appropriate fiscal year from which the invoice could have been paid.

AMOUNT CLAIMED: \$695.40

AMOUNT AWARDED: \$695.40

CLAIMS AGAINST REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

CC-09-0626 SAMMY RAY COPLEY V. REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

Claimant, an inmate at Tygart Valley Regional Jail, seeks to recover \$43.09 for articles of clothing that were sent to the laundry facility in the jail and never returned to him. Respondent admits the validity of this claim and that the amount, accordingly the Court is of the opinion to make an award to Claimant.

AMOUNT CLAIMED: \$43.09

AMOUNT AWARDED: \$43.09

CC-10-0463 SHAWN EDWARDS V. REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

Claimant, an inmate at Tygart Valley Regional Jail, seeks to recover \$25.00 for his shoes which were mistakenly given to another inmate upon his release. Respondent admits the validity of this claim and that the amount, accordingly the Court is of the opinion to make an award to Claimant.

AMOUNT CLAIMED: \$25.00

AMOUNT AWARDED: \$25.00

CC-10-0486 CHARLES E. JARRETT V. REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

Claimant seeks to recover \$326.00 for items of personal property that could not be found when he was transported from South Central Regional Jail to the Potomac Highlands Regional Jail. Respondent admits the validity of this claim and that the amount, accordingly the Court is of the opinion to make an award to Claimant.

AMOUNT CLAIMED: \$326.00

AMOUNT AWARDED: \$326.00

CC-10-0649 HUONG THI PHUNG V. REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

Claimant, an inmate at the Eastern Regional Jail at the time of the incident, seeks to recover \$15,100.00 for seven pieces of 18 karat gold and diamond jewelry that she alleges were entrusted to Respondent but which have not been returned to her. In its Answer, Respondent admits the validity of the claim and that the amount put forth by Claimant is fair and reasonable.

AMOUNT CLAIMED: \$15,100.00

AMOUNT AWARDED: \$15,100.00

CC-09-0620 DONALD BERKLEY SURBER JR. V. REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

Claimant, an inmate at Eastern Regional Jail, seeks to recover \$500.00 for a pair of diamond earrings he had in his possession when he was taken to the facility but were not returned to him upon his release. Respondent admits the validity of this claim and that the amount, accordingly the Court is of the opinion to make an award to Claimant.

AMOUNT CLAIMED: \$500.00

AMOUNT AWARDED: \$500.00

CLAIM AGAINST STATE TAX DEPARTMENT

CC-10-0141 GEORGE V. PIPER V. STATE TAX DEPARTMENT

Claimant seeks to recover \$150.00 from Respondent, State Tax Department, for an error that was made regarding his increment tenure pay for the years of 2000 through 2002. Respondent admits the validity of this claim and the amount.

AMOUNT CLAIMED: \$150.00

AMOUNT AWARDED: \$150.00