

Court of Claims

ANNUAL REPORT

2012

Cheryle M. Hall
Clerk of the Court

2012

Annual Report

of the

West Virginia Court of Claims

Judges of the Court

The Honorable J. David Cecil, Presiding Judge

The Honorable T. C. McCarthy Jr., Judge

The Honorable George F. Fordham, Judge

Cheryle M. Hall, Clerk

*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 2011.*

Respectfully submitted,

*Cheryle M. Hall,
Clerk*

2012

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

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SUMMARY OF FUNDS FOR 2012 CLAIMS BILL

GENERAL REVENUE FUNDS	\$ 6,057,142.34
SPECIAL REVENUE FUNDS	\$ 366,854.40
STATE ROAD FUNDS	\$ 2,092,001.45
TOTAL FOR REGULAR CLAIMS BILL	\$ 8,515,998.19

Claims Presented to the 2012 Legislature

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
11-0444	Preservati, Nicholas S.	Board of Coal Mine Health and Safety	12,556.00	12,556.00	1/19/2012
11-0368	Infoprint Solutions Company,	Department of Administration/Office of Technology	83,174.39	83,174.39	9/15/2011
11-0208	AB Contracting Inc.,	Department of Education	20,000.00	20,000.00	7/1/2011
11-0275	Blackwell, Christopher	Division of Corrections	25.00	25.00	5/25/2011
11-0164	Butler, Brandon	Division of Corrections	25.00	25.00	5/9/2011
10-0581	Casto, Merle	Division of Corrections	54.00	12.95	5/9/2011
10-0051	Ricoh Americas Corporation,	Division of Corrections	452.82	370.00	3/24/2011
11-0008	Verizon Network Integration Corporation,	Division of Corrections	10,411.21	7,164.06	3/16/2011
10-0671	WV Public Employees Insurance Agency,	Division of Corrections	508,958.79	438,129.71	10/26/2011
11-0617	WV Regional Jail Authority,	Division of Corrections	5,458,871.50	5,458,871.50	11/18/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
10-0126	Abbott, Joel	Division of Highways	2,495.78	2,495.78	5/25/2011
10-0212	Adkins, Cinnament	Division of Highways	626.75	300.00	3/24/2011
11-0253	Adkins, Daniel	Division of Highways	221.47	221.47	6/15/2011
11-0291	Agosti, Mark E.	Division of Highways	304.00	304.00	6/24/2011
11-0107	Alessio, Carol Lee	Division of Highways	216.40	216.40	4/14/2011
10-0335	Alford, Marlene E.	Division of Highways	222.39	222.39	1/10/2012
11-0431	Allen, Nicole	Division of Highways	500.00	500.00	11/1/2011
11-0450	Anderson, Jeffrey D.	Division of Highways	500.00	500.00	9/21/2011
11-0486	Angell, Nicholas	Division of Highways	153.70	153.70	10/7/2011
11-0476	Arbaugh Jr., Ronald Gene	Division of Highways	373.18	373.18	10/7/2011
11-0025	Arthur, Reva Gail	Division of Highways	763.07	763.07	2/23/2011
11-0101	Ash Sr., David K.	Division of Highways	591.69	500.00	1/10/2012

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
11-0364	Ashmore, Richard	Division of Highways	434.07	434.07	1/10/2012
11-0080	Baker, William J.	Division of Highways	455.80	455.80	3/25/2011
11-0305	Barkaszi, Gloria E.	Division of Highways	100.00	100.00	7/6/2011
11-0019	Basham, Jarrid Carl	Division of Highways	518.03	500.00	1/10/2012
11-0035	Baxter, Brian	Division of Highways	149.46	149.46	2/23/2011
11-0188	Beasley, Hope	Division of Highways	615.86	615.86	1/10/2012
10-0103	Beegle-German, Wilma Jean	Division of Highways	460.04	460.04	10/26/2011
11-0258	Berkley, Terri Ane'	Division of Highways	1,138.26	500.00	1/10/2012
11-0011	Bevins, Franklin M. Bevins and Martha	Division of Highways	758.43	500.00	1/10/2012
11-0057	Bills, Mae	Division of Highways	390.68	390.68	3/16/2011
10-0596	Blair, Connie Blair and Larry	Division of Highways	183.38	183.38	1/10/2012
11-0066	Blankenship, Wendy	Division of Highways	412.67	412.67	9/15/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
11-0266	Bober, Mary Jane	Division of Highways	297.38	297.38	6/15/2011
10-0405	Bolen, Scott D.	Division of Highways	891.93	891.93	9/15/2011
10-0052	Bongiovanni, Anthony	Division of Highways	88.48	88.48	1/10/2012
11-0105	Bowles, Mary Bowles and Loretta	Division of Highways	1,019.24	500.00	1/10/2012
11-0154	Bozarth, Rudolph	Division of Highways	247.10	247.10	4/25/2011
09-0370	Brammer, Janet	Division of Highways	2,517.68	2,517.68	10/26/2011
11-0143	Brent, James H. Brent and Betty	Division of Highways	331.34	250.00	1/10/2012
11-0197	Brown, Chad	Division of Highways	265.69	265.69	6/15/2011
11-0402	Brown, Larry D.	Division of Highways	115.49	115.49	9/7/2011
09-0178	Bruer, Hillary	Division of Highways	1,316.52	300.00	5/6/2011
10-0166	Burch, Jennifer	Division of Highways	1,000.00	1,000.00	3/16/2011
10-0666	Burford, Kimberly D.	Division of Highways	160.00	160.00	5/9/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
10-0535	Burkey, Donald E.	Division of Highways	1,441.92	500.00	1/10/2012
10-0533	Burns, Darlene K.	Division of Highways	113.95	113.95	12/20/2011
11-0196	Bush, Melina	Division of Highways	293.62	293.62	6/15/2011
11-0015	Buzminsky, Heather M.	Division of Highways	632.08	632.08	1/10/2012
10-0549	Cain, Michael F.	Division of Highways	2,728.05	500.00	1/10/2012
11-0185	Campbell, Lyndsey	Division of Highways	500.00	500.00	4/25/2011
11-0389	Cappellini, Brenda	Division of Highways	444.85	444.85	9/7/2011
11-0276	Carnahan, Tonya	Division of Highways	445.20	445.20	6/24/2011
11-0262	Carney, Christopher F.	Division of Highways	169.55	169.55	1/10/2012
10-0459	Carper, Jay Reed Carper and Donna E.	Division of Highways	1,482.30	963.50	5/25/2011
11-0195	Carte, Brittany	Division of Highways	258.64	258.64	4/25/2011
11-0223	Chamblin, Brenda K.	Division of Highways	495.87	495.87	6/15/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
11-0058	Childers, Kimberly	Division of Highways	483.19	483.19	3/16/2011
10-0347	Clagg, Christopher	Division of Highways	946.70	946.70	1/10/2012
09-0591	Clay, Sara	Division of Highways	773.01	500.00	10/26/2011
11-0337	Cleavenger, Lea Ann	Division of Highways	350.00	350.00	7/29/2011
11-0152	Clinton, Pamela	Division of Highways	86.85	86.85	4/25/2011
11-0181	Cobb, Dorothy	Division of Highways	250.00	250.00	4/25/2011
11-0510	Coffman, Eric	Division of Highways	441.65	441.65	10/19/2011
11-0503	Cogar, Brenda J.	Division of Highways	198.21	198.21	1/10/2012
11-0020	Coleman, Tamera	Division of Highways	519.12	250.00	5/9/2011
11-0166	Colliers, Sedede	Division of Highways	549.28	549.28	1/10/2012
11-0267	Conoway, Michael B. Conoway and Lisa	Division of Highways	542.10	542.10	1/10/2012
11-0219	Cook, John R.	Division of Highways	385.59	385.59	6/15/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
11-0205	Cook, Tommy	Division of Highways	432.38	432.38	6/15/2011
10-0433	Cooper, Patricia M.	Division of Highways	806.80	545.18	5/25/2011
10-0264	Coping, Thomas L. Coping and Lori A.	Division of Highways	207.95	207.95	3/8/2011
11-0187	Corder, Tamela	Division of Highways	263.94	263.94	4/25/2011
11-0326	Coyle, Stephen	Division of Highways	108.19	108.19	7/29/2011
11-0454	Craig, Wendy A.	Division of Highways	336.02	336.02	9/21/2011
11-0455	Craig, Wendy A.	Division of Highways	165.00	165.00	9/21/2011
10-0107	Crim, Robert Dale	Division of Highways	240.57	240.57	7/1/2011
11-0669	Crim Sr., Ronald R.	Division of Highways	380.85	380.85	12/20/2011
10-0534	Crosen, Donald	Division of Highways	3,300.00	250.00	10/26/2011
11-0083	Crouse, Barbara J.	Division of Highways	682.50	500.00	1/10/2012
10-0620	Cumberledge, Nicholas Cumberledge and Elizabeth	Division of Highways	1,225.80	300.00	7/1/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
11-0183	Daugherty, Doran R.	Division of Highways	90.53	90.53	4/25/2011
10-0610	Davis, Leslie	Division of Highways	814.24	814.24	10/26/2011
10-0413	Davis, Lisa M.	Division of Highways	382.82	382.82	5/9/2011
11-0113	Dawson, Carolyn L.	Division of Highways	226.42	226.42	9/15/2011
11-0204	Dean, Henry G.	Division of Highways	231.08	231.08	6/15/2011
10-0303	Deavers, Karen	Division of Highways	209.82	209.82	10/26/2011
11-0141	DeCoy, Andrew	Division of Highways	140.03	140.03	4/25/2011
11-0346	Deiss, Elizabeth V.B.	Division of Highways	764.68	764.68	1/18/2012
11-0146	Demidovich, Misty	Division of Highways	144.99	144.99	4/25/2011
11-0156	Doak, Aloma	Division of Highways	295.32	295.32	4/25/2011
11-0644	Dorfner, Gregg P.	Division of Highways	434.60	434.60	12/20/2011
11-0412	Dragisich, Theodore E.	Division of Highways	411.45	411.45	1/10/2012

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
11-0214	Drown, Donna	Division of Highways	226.93	226.93	6/15/2011
11-0489	Duncan, Sharon	Division of Highways	103.83	103.83	10/7/2011
10-0628	Duvall, Robert E. Duvall and Elizabeth C.	Division of Highways	4,493.66	250.00	1/10/2012
11-0373	Eanes, Jeff	Division of Highways	261.80	261.80	1/10/2012
11-0218	Easton, Margaret A.	Division of Highways	58.19	58.19	6/15/2011
11-0290	Ekis, Debra K.	Division of Highways	100.24	100.24	6/24/2011
11-0131	Epling, Joey	Division of Highways	164.75	164.75	4/25/2011
11-0408	Evans, William C.	Division of Highways	254.50	254.50	9/7/2011
10-0375	Farley, Terri L.	Division of Highways	677.35	500.00	9/15/2011
11-0201	Felitsky, Kathryn J.	Division of Highways	79.50	79.50	6/15/2011
10-0105	Ferguson, Emanuel	Division of Highways	1,360.85	500.00	10/26/2011
11-0391	Ford, Bryan	Division of Highways	445.17	445.17	9/7/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
11-0142	Fox, Char G.	Division of Highways	397.68	397.68	9/15/2011
11-0371	Frick, Charles E.	Division of Highways	1,000.00	1,000.00	8/18/2011
11-0388	Friend, James A. Mays and Bonnie J.	Division of Highways	238.50	238.50	1/10/2012
11-0541	Garrison, Kristie	Division of Highways	210.94	210.94	12/20/2011
11-0153	Gifford, Ronald	Division of Highways	90.00	90.00	4/25/2011
10-0521	Gillispie, David P.	Division of Highways	351.92	100.00	5/25/2011
10-0089	Goff, Dwight Goff and Debra	Division of Highways	4,095.24	381.37	1/10/2012
10-0409	Gonzalez, Richard	Division of Highways	500.00	450.00	7/1/2011
11-0286	Gore, Juanita D.	Division of Highways	562.07	500.00	1/10/2012
10-0565	Graham, Denzil	Division of Highways	717.73	717.73	1/10/2012
10-0566	Graham, Denzil Graham and Shelley	Division of Highways	619.59	619.59	1/10/2012
10-0697	Graham, Kelsey Graham and Robin	Division of Highways	130.00	130.00	1/10/2012

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
11-0086	Gray, Gary J. Gray and Mary C.	Division of Highways	244.09	244.09	1/10/2012
10-0561	Green, Edward L.	Division of Highways	1,489.02	1,000.00	1/10/2012
10-0444	Green, Roger L.	Division of Highways	81.20	81.20	5/9/2011
11-0043	Greene, Rachel	Division of Highways	159.00	159.00	2/23/2011
11-0553	Haddix, Dwight	Division of Highways	448.33	448.33	12/20/2011
10-0602	Haines, Robert Ray	Division of Highways	155.19	155.19	10/26/2011
11-0088	Halburn, Dolores	Division of Highways	487.09	487.09	5/9/2011
09-0236	Hall, Ronald	Division of Highways	1,032.20	500.00	7/1/2011
11-0626	Ham, Homer D.	Division of Highways	162.71	162.71	12/8/2011
11-0273	Hanes, Karla	Division of Highways	996.58	500.00	1/10/2012
09-0332	Hanna, Jared B. Knight and Mary M.	Division of Highways	1,183.00	1,000.00	10/26/2011
11-0542	Haraden, William B.	Division of Highways	496.64	496.64	12/20/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
10-0593	Harbison, Anthony	Division of Highways	599.00	599.00	9/15/2011
10-0638	Hardman, Steven	Division of Highways	557.39	473.78	1/10/2012
11-0162	Harman, Kirk	Division of Highways	323.71	323.71	4/25/2011
09-0598	Harper, as Natural Mother and Admin. Of the Estate of Justin Janes, Angelia	Division of Highways	1,000,000.00	355,000.00	5/9/2011
11-0109	Harrington, Daniel Harrington and Dolores	Division of Highways	77.38	77.38	4/14/2011
11-0374	Hartzell, Zachary P.	Division of Highways	217.00	217.00	1/10/2012
11-0420	Harvey, Fred	Division of Highways	250.00	250.00	9/21/2011
11-0348	Hawker, William	Division of Highways	1,068.47	300.00	1/10/2012
11-0265	Hayhurst, Eric M.	Division of Highways	219.38	219.38	6/15/2011
11-0270	Hays, Sharla	Division of Highways	378.71	378.71	6/24/2011
11-0140	Heath, Richard	Division of Highways	537.58	537.58	9/15/2011
11-0250	Henning, Erica	Division of Highways	181.50	181.50	6/15/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
11-0174	Hess, Kyle Hess and Earl K.	Division of Highways	555.44	450.00	1/10/2012
11-0666	Hinkle, Floyd W.	Division of Highways	412.53	412.53	12/20/2011
10-0498	Hissom, Sandra	Division of Highways	519.14	500.00	5/9/2011
11-0340	Hoffer, William E.	Division of Highways	615.00	615.00	1/12/2012
10-0286	Holley, Michelle Holley and Roger	Division of Highways	119.32	100.00	1/10/2012
11-0569	Honaker, Lori Honaker and Tessa	Division of Highways	500.00	500.00	12/20/2011
11-0095	Houchins, Ronald W.	Division of Highways	495.87	495.87	4/14/2011
11-0292	Howell, Terry A.	Division of Highways	221.43	221.43	1/10/2012
11-0324	Hudnall, Cathy	Division of Highways	226.90	226.90	7/29/2011
11-0359	Hylton, Teresa	Division of Highways	160.13	160.13	8/18/2011
11-0240	Jacobs, Gerry	Division of Highways	103.88	103.88	6/15/2011
11-0342	James, Timothy P.	Division of Highways	144.58	144.58	7/29/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
09-0369	Jaquay, Paul	Division of Highways	173.24	173.24	1/10/2012
11-0564	Jarvis, Cheryl	Division of Highways	508.43	508.43	1/10/2012
11-0360	Jenkins Jr., Alan	Division of Highways	84.80	84.80	8/18/2011
10-0158	Jones, John	Division of Highways	1,461.00	500.00	5/9/2011
11-0310	Jones, Letty R.	Division of Highways	278.77	278.77	7/6/2011
09-0222	Jordan, Terry	Division of Highways	30,000.00	30,000.00	7/1/2011
11-0441	Justice, Lori Adkins and Trenton	Division of Highways	121.90	121.90	9/21/2011
11-0506	Justice, Retus Jay	Division of Highways	1,000.00	1,000.00	10/19/2011
11-0264	Kalo, Robert A.	Division of Highways	355.34	250.00	1/10/2012
11-0380	Karickhoff, David	Division of Highways	250.00	250.00	8/18/2011
11-0318	Kennedy, Chandra Kennedy and Charles	Division of Highways	98.84	98.84	7/6/2011
11-0385	Kennedy, Dr. Thomas J.	Division of Highways	483.04	483.04	8/18/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
10-0332	Kerby, Wayne R.	Division of Highways	877.76	500.00	1/10/2012
10-0263	Kerwood, Samuel E.	Division of Highways	1,043.25	450.00	1/10/2012
11-0333	Kindberg, Trisha L.	Division of Highways	272.14	272.14	7/29/2011
11-0072	Kinder, Jack L.	Division of Highways	408.10	408.10	3/25/2011
11-0190	Kirby, Andrea	Division of Highways	484.37	339.06	1/10/2012
11-0042	Kittinger, Terri	Division of Highways	101.56	101.56	2/23/2011
11-0400	Klug, Tom	Division of Highways	57.94	57.94	9/7/2011
11-0038	Kompardo-Zeiler, Cathy	Division of Highways	137.80	137.80	2/23/2011
11-0341	Kuzma, Debra L.	Division of Highways	238.49	238.49	7/29/2011
11-0396	Landis, Deloris Landis and Ronald	Division of Highways	458.88	458.88	1/10/2012
10-0156	Lang, Robert Allen Lang and Linda C.	Division of Highways	426.13	426.13	1/10/2012
11-0124	Layne, Bruce	Division of Highways	295.00	295.00	4/25/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
08-0460	Leavengood, Keith L.	Division of Highways	4,000.00	4,000.00	10/26/2011
11-0467	Lemon, Rachel M.	Division of Highways	242.74	242.74	9/21/2011
11-0243	Lewis, Erica N.	Division of Highways	391.04	391.04	6/15/2011
09-0267	Lewis, Patty S.	Division of Highways	339.22	339.22	7/1/2011
11-0557	Logan, Stephen William	Division of Highways	308.78	308.78	12/20/2011
10-0595	Longstreth, Debra	Division of Highways	1,440.33	1,152.26	1/10/2012
11-0304	Losh, Tammy R.	Division of Highways	475.89	475.89	7/6/2011
11-0505	Louden, Janet C.	Division of Highways	85.50	85.50	10/19/2011
11-0129	Lowry, Nellie	Division of Highways	262.99	262.99	4/25/2011
10-0291	Lucas, Lois	Division of Highways	687.60	687.60	5/9/2011
11-0079	Lucas, Sylvia M.	Division of Highways	62.54	62.54	3/25/2011
11-0151	Maddox, Michael	Division of Highways	206.65	206.65	4/25/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
11-0581	Maglich, Thomas A.	Division of Highways	320.10	320.10	12/20/2011
11-0271	Mahoney, Melissa Mahoney and Elizabeth	Division of Highways	272.37	272.37	6/24/2011
09-0364	Marks, Freddie A.	Division of Highways	870.00	870.00	10/26/2011
10-0310	Marple, Allen R.	Division of Highways	2,798.31	2,798.31	1/10/2012
11-0632	Martin, Jennifer	Division of Highways	192.92	192.92	12/20/2011
10-0351	Massey, Debra	Division of Highways	95.35	95.35	9/15/2011
11-0227	Matthews, Jeffry	Division of Highways	297.75	297.75	6/15/2011
11-0211	Maynard, Marvin Maynard and Selena	Division of Highways	243.80	243.80	6/15/2011
09-0402	Mays, Charity	Division of Highways	1,385.80	1,385.80	1/10/2012
11-0475	Maze, Olivia	Division of Highways	237.39	237.39	10/7/2011
11-0372	Mazza, Jason M.	Division of Highways	375.21	375.21	8/18/2011
11-0027	McCallister, Donald F.	Division of Highways	173.04	173.04	2/23/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
11-0139	McClelland, Brenda	Division of Highways	250.00	250.00	4/25/2011
11-0193	McCune, Frances M.	Division of Highways	138.61	138.61	4/25/2011
11-0108	McDaniel, Roy J.	Division of Highways	1,947.91	1,069.61	1/19/2012
08-0300	McDonald, Randy A.	Division of Highways	50,000.00	50,000.00	5/9/2011
10-0206	McGraw, Miceal Wayne	Division of Highways	252.28	252.28	9/15/2011
11-0110	McIntyre, Jonathan	Division of Highways	280.90	280.90	4/14/2011
11-0543	McKinney, Catherine T.	Division of Highways	500.00	500.00	12/20/2011
11-0442	McKown, James McKown and Karen	Division of Highways	139.82	139.82	9/21/2011
11-0283	Meadows, Ricky	Division of Highways	313.04	313.04	6/24/2011
10-0102	Menendez-Young, Rusti	Division of Highways	623.65	623.65	7/1/2011
11-0028	Metrick, Virginia	Division of Highways	250.00	250.00	2/23/2011
10-0297	Michaels, David R.	Division of Highways	200.00	200.00	1/10/2012

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
11-0232	Miller, John Miller and Mary	Division of Highways	752.87	500.00	1/10/2012
10-0364	Minnix, Amanda L. Minnix and Rodney K.	Division of Highways	261.31	261.31	7/1/2011
10-0465	Mitchell Jr., Gregory K.	Division of Highways	621.61	621.61	9/15/2011
10-0687	Moore, Bradley	Division of Highways	835.27	835.27	4/8/2011
10-0164	Moore, Eustacia	Division of Highways	359.91	190.00	9/15/2011
11-0087	Morgan, Earl Morgan and Connie	Division of Highways	274.85	274.85	1/10/2012
10-0612	Morgan, Patrick J. Morgan and Tammy S.	Division of Highways	378.21	378.21	7/1/2011
11-0637	Morris-Angus, William J. Morris and Linda	Division of Highways	112.25	112.25	12/20/2012
11-0395	Mullins, Amy	Division of Highways	193.17	193.17	9/7/2011
10-0667	Mullins, Mildred	Division of Highways	1,058.22	1,058.22	10/26/2011
11-0300	Myers, Russell Keith	Division of Highways	4,018.84	1,000.00	1/10/2012
09-0486	Nance, Ted S.	Division of Highways	2,469.41	2,469.41	10/26/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
11-0112	Naylor, Anna L.	Division of Highways	156.88	156.88	4/14/2011
11-0409	Nelson, David P.	Division of Highways	437.99	437.99	9/21/2011
09-0208	Ninehouser, James	Division of Highways	1,516.21	250.00	10/26/2011
11-0060	Norman, Robert E.	Division of Highways	207.11	207.11	3/16/2011
11-0339	Nottingham, Virginia	Division of Highways	250.00	250.00	7/29/2011
11-0168	Nutter, Jarred	Division of Highways	248.87	248.87	4/25/2011
11-0383	Nuzum, Misty	Division of Highways	230.00	230.00	1/10/2012
11-0296	Ogden, James T.	Division of Highways	62.01	62.01	6/24/2011
11-0299	Osborne, Perry R.	Division of Highways	373.82	373.82	6/24/2011
10-0642	Owens, Susan	Division of Highways	647.06	500.00	1/10/2012
11-0367	Oxley, Geary Grant	Division of Highways	303.63	303.63	8/18/2011
11-0614	Page, Steven E.	Division of Highways	163.19	163.19	12/8/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
10-0239	Parsons, Cynthia Parsons and Timothy	Division of Highways	476.16	476.16	5/9/2011
10-0001	Parsons, Derek	Division of Highways	1,566.18	1,566.18	10/26/2011
11-0226	Pauley, James G.	Division of Highways	250.00	250.00	6/15/2011
11-0619	Payne, David	Division of Highways	500.00	500.00	12/8/2011
11-0663	Payne, Kennie D. Payne and Carol	Division of Highways	370.07	370.07	12/20/2011
11-0328	Pepe, Anthony	Division of Highways	111.00	111.00	7/29/2011
09-0607	Perrine, Virginia	Division of Highways	1,506.95	1,506.95	10/26/2011
11-0261	Perry, Angel Navy Perry and Mark A.	Division of Highways	612.66	612.66	10/21/2011
11-0126	Perry, Dennis	Division of Highways	486.20	486.20	4/25/2011
11-0206	Peterson, Joseph M.	Division of Highways	568.37	568.37	1/10/2012
11-0620	Pickens, Joy	Division of Highways	79.50	79.50	12/8/2011
11-0170	Pinson, Otis	Division of Highways	150.00	150.00	4/25/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
10-0672	Polan, Joshua	Division of Highways	776.10	500.00	1/10/2012
11-0024	Potter, George G.	Division of Highways	192.11	192.11	2/23/2011
11-0288	Pratt, Anna Pratt and Glenn	Division of Highways	242.32	242.32	6/24/2011
11-0298	Prebeg, Frank Jay	Division of Highways	98.99	98.99	6/24/2011
11-0284	Preston, Arthur Lee	Division of Highways	404.41	404.41	6/24/2011
05-0248	Price, Mary Jane	Division of Highways	5,000.00	5,000.00	5/9/2011
11-0104	Price, Norma J.	Division of Highways	261.95	261.95	4/14/2011
11-0089	Pride, Courtney	Division of Highways	234.27	234.27	1/10/2012
10-0650	Pyles, Billie Jo	Division of Highways	124.02	124.02	1/10/2012
11-0198	Raber, Jr., Charles C.	Division of Highways	373.12	373.12	6/15/2011
11-0252	Raines, Carolyn L.	Division of Highways	125.08	125.08	6/15/2011
11-0320	Ratcliffe, Karen Ratcliffe and Kit	Division of Highways	4,813.00	4,813.00	1/10/2012

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
07-0312	Riffe, Christopher	Division of Highways		165,000.00	1/10/2012
07-0313	Riffe, Elisha	Division of Highways	9,000.00	9,000.00	1/10/2012
11-0092	Riley, Kenneth B.	Division of Highways	106.60	106.60	4/14/2011
11-0029	Rinehart, Rachel S. Rinehart and Mark W.	Division of Highways	982.00	375.00	1/10/2012
11-0186	Robbins, Janet D.	Division of Highways	97.65	97.65	4/25/2011
11-0381	Roberts, Shirley	Division of Highways	148.40	148.40	1/10/2012
10-0426	Rollins, Cheryl S.	Division of Highways	538.94	500.00	5/9/2011
11-0351	Roush, Joseph M. Roush and Carol L.	Division of Highways	319.48	319.48	8/18/2011
11-0347	Royer, Cindi J.	Division of Highways	553.45	553.45	8/18/2011
09-0476	Sanders, Beverly	Division of Highways	1,428.71	1,000.00	10/26/2011
11-0128	Sandy, Amy	Division of Highways	144.16	144.16	4/25/2011
11-0056	Sayre, Nathan B.	Division of Highways	302.10	302.10	3/16/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
11-0349	Schroyer, Christi A.	Division of Highways	876.37	500.00	1/10/2012
11-0406	Scott, Tammy J.	Division of Highways	91.16	91.16	1/10/2012
11-0216	Seibel, John Houck and Katherine M.	Division of Highways	158.95	158.95	10/26/2011
09-0294	Sevier, Donald L. Sevier and Cassandra L.	Division of Highways	1,607.61	1,000.00	7/1/2011
11-0138	Shaw, Ronald	Division of Highways	171.19	171.19	4/25/2011
10-0683	Sheppard, Thomas V.	Division of Highways	606.85	500.00	5/9/2011
09-0606	Sidiropolis, David A.	Division of Highways	1,025.44	500.00	1/12/2012
11-0555	Sigman, Helen	Division of Highways	344.55	250.00	12/20/2011
11-0248	Simons, James R.	Division of Highways	310.53	310.53	6/15/2011
11-0165	Siner, Wilburn	Division of Highways	636.45	500.00	10/26/2011
11-0212	Sirk, Brenda	Division of Highways	179.00	179.00	6/15/2011
11-0159	Skeens, Christina	Division of Highways	380.20	380.20	4/25/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
11-0281	Slaughter, Gerald	Division of Highways	225.00	225.00	9/7/2011
11-0171	Smith, Brian	Division of Highways	46.95	46.95	4/25/2011
11-0306	Smith, Justin A.	Division of Highways	236.00	236.00	7/6/2011
10-0455	Smith, M.E. Walker and Megan Walker	Division of Highways	1,000.00	1,000.00	9/15/2011
11-0515	Smith, Michael A.	Division of Highways	1,046.12	1,046.12	1/10/2012
10-0515	Smolder, Sandra K.	Division of Highways	1,000.00	1,000.00	5/9/2011
11-0397	Snodgrass, Ricky K.	Division of Highways	703.13	703.13	9/7/2011
10-0356	Spatafore, Eric	Division of Highways	782.92	300.00	7/1/2011
11-0355	Spaulding, Elizabeth	Division of Highways	500.00	500.00	8/18/2011
11-0047	Spearing, Audrey L.	Division of Highways	127.20	127.20	2/23/2011
10-0343	Spurlock, Darrell	Division of Highways	871.22	250.00	5/9/2011
11-0319	Stark, Thomas F. Stark and Mary F.	Division of Highways	500.00	500.00	7/6/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
09-0487	Staten, Rebecca	Division of Highways	984.00	500.00	9/15/2011
11-0293	Stefan, Matthew R.	Division of Highways	135.68	135.68	6/24/2011
08-0527	Stein, Carl	Division of Highways		130,000.00	11/18/2011
11-0217	Stephens, Faye J.	Division of Highways	153.13	153.13	6/15/2011
11-0071	Stephens, Natasha Stephens and Anthony P.	Division of Highways	675.54	675.54	1/10/2012
11-0175	Sterling, Deborah	Division of Highways	178.00	178.00	4/25/2011
11-0485	Sternar, Cheryl	Division of Highways	307.05	307.05	10/7/2011
09-0329	Stewart, Samuel S. Stewart and Gertrude	Division of Highways	570.13	500.00	10/26/2011
11-0017	Stiltner, Shirley A.	Division of Highways	426.90	426.90	8/15/2011
11-0144	Stover, Giget	Division of Highways	200.29	200.29	4/25/2011
11-0203	Strickland, Todd	Division of Highways	144.72	144.72	6/15/2011
10-0617	Sullivan, Timothy Sullivan and Rebecca A.	Division of Highways	1,000.00	1,000.00	9/15/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
11-0044	Swan, Jill	Division of Highways	100.00	100.00	2/23/2011
11-0026	Sweeney, John E.	Division of Highways	103.83	103.83	2/23/2011
11-0327	Swiger, Charles Swiger and Sandra	Division of Highways	431.76	431.76	1/10/2012
11-0041	Taupradist, Araya	Division of Highways	100.00	100.00	2/23/2011
11-0301	Taylor, Wesley Lynn	Division of Highways	123.97	123.97	6/24/2011
11-0425	Terry-Franks, Tifney D.	Division of Highways	174.19	174.19	9/21/2011
11-0158	Thomas, Richard	Division of Highways	500.00	500.00	4/25/2011
11-0061	Thomas, Samuel	Division of Highways	161.45	161.45	9/15/2011
11-0033	Thompson, David	Division of Highways	500.00	500.00	2/23/2011
11-0230	Thompson, Edna P.	Division of Highways	159.00	159.00	6/15/2011
11-0229	Thompson, Edna P.	Division of Highways	125.08	125.08	6/15/2011
11-0573	Tolley, Brian Keith	Division of Highways	387.20	387.20	12/20/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
11-0220	Totten, Linda S.	Division of Highways	218.12	218.12	6/15/2011
11-0256	Troia, David J.	Division of Highways	135.50	135.50	6/15/2011
12-0028	Tucker, as Admin. Of the Estate of Jesse Tucker, Tonya Michelle	Division of Highways	800,000.00	600,000.00	1/27/2012
11-0246	Turner, Larry D.	Division of Highways	500.00	500.00	6/15/2011
10-0160	Turner Jr., Charles L.	Division of Highways	1,800.00	1,800.00	1/10/2012
11-0133	Tustin, Rebecca	Division of Highways	150.00	150.00	4/25/2011
11-0457	Urling Jr., Charles L.	Division of Highways	200.34	200.34	9/21/2011
11-0311	Vaughan, Jonathan Burson and Donna	Division of Highways	972.83	972.83	1/10/2012
11-0285	Vineyard, Ronald Hambrick and Linda	Division of Highways	269.00	269.00	1/10/2012
10-0619	Ward, Dennis L. Ward and Terri	Division of Highways	1,144.70	250.00	1/10/2012
11-0419	Waters, Dale C.	Division of Highways	177.82	177.82	9/21/2011
11-0289	Wehler, Pamela	Division of Highways	616.34	500.00	1/10/2012

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
11-0639	Weidlich, Robert J.	Division of Highways	143.54	143.54	12/20/2011
11-0014	White, Amanda M.	Division of Highways	79.50	79.50	8/15/2011
10-0407	White, Lawrence	Division of Highways	739.70	739.70	4/8/2011
11-0065	White, Sharon K.	Division of Highways	416.17	416.17	9/15/2011
11-0123	Wilkinson, Andre	Division of Highways	1,284.67	500.00	1/10/2012
10-0412	Wilkinson, Karen J.	Division of Highways	604.15	299.95	5/9/2011
10-0588	Williams, Denise	Division of Highways	623.51	500.00	5/9/2011
10-0326	Williams, Gary	Division of Highways	601.76	500.00	9/15/2011
11-0343	Williams, Mary Ann	Division of Highways	268.75	268.75	7/29/2011
11-0362	Williams, Russell	Division of Highways	76.52	76.52	1/10/2012
11-0598	Wills, Jesse	Division of Highways	90.10	90.10	12/8/2011
11-0207	Wilson, Margaret S.	Division of Highways	138.17	138.17	6/15/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
11-0040	Winters, Jeremy	Division of Highways	778.14	778.14	2/23/2011
09-0603	Woodside, as Admin. Of the Estate of Terry J. Woodside Jr., Terry J.	Division of Highways	1,000,000.00	250,000.00	7/1/2011
09-0599	Wrenn and Sandra Belcher, as Natural Parents and Co-Admin. Of the Estate of Matthew Wrenn, Howard	Division of Highways	2,000,000.00	355,000.00	5/9/2011
09-0322	Yirberg, Joyce	Division of Highways	3,475.00	2,222.50	1/10/2012
09-0464	Young, Jodi	Division of Highways	1,076.86	983.88	1/27/2012
10-0370	Zickafoose, deceased, Jennifer Isabell and Matthew Allen Zickafoose, as Administrator of the Estate of	Division of Highways	762.95	500.00	5/9/2011
10-0600	, Temporary Employment Services Inc.	Division of Tourism	474.15	474.15	1/10/2012
11-0085	Greenbrooke Associates LLC,	Insurance Commission	388,488.51	269,026.62	10/26/2011
08-0481	Balmer-Gage, Mary	Regional Jail Authority	2,245.00	1,571.00	10/26/2011
10-0674	Chiple Jr., Charles L.	Regional Jail Authority	51.12	51.12	1/10/2012
10-0469	Clemens, James A. Clemens and Mary F.	Regional Jail Authority	174.00	87.00	1/10/2012
11-0048	Combs, Brent M.	Regional Jail Authority	15.45	15.45	9/15/2011

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
11-0242	Deuley, Ronald D.	Regional Jail Authority	535.00	535.00	9/15/2011
10-0559	Elkins, Shane	Regional Jail Authority	250.00	250.00	1/10/2012
10-0604	Henline, Ned Crouch and Renee	Regional Jail Authority	17.13	11.04	5/25/2011
11-0049	Hensley, Jason Allen	Regional Jail Authority	140.00	140.00	1/10/2012
11-0013	King, Jeffrey	Regional Jail Authority	24.14	24.14	3/24/2011
10-0693	Long, Stacey A.	Regional Jail Authority	95.00	95.00	3/24/2011
11-0394	Moats, Robert W.	Regional Jail Authority	32.00	32.00	9/15/2011
11-0603	Smith, William E.	Regional Jail Authority	299.00	299.00	1/10/2012
11-0295	Thorne, Timothy	Regional Jail Authority	830.00	830.00	1/10/2012
11-0714	, Ronceverte Volunteer Fire Department	State Fire Marshal	10,238.49	10,238.49	1/10/2012
11-0085	Greenbrooke Associates LLC,	Tax Department	388,488.51	119,461.89	10/26/2011
11-0652	, AT & T	West Virginia State Senate	526.23	526.23	1/10/2012

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
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\$11,965,243.79	\$8,516,136.69
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Disallowed Claims Presented to the 2012 Legislature

Number	Name of Claimant	Name of Respondent	Amount Claimed	Final Disposition	Date of Opinion
09-0450	Baker, Ralph Baker and Mariann	Division of Highways	921.66	Disallowed	5/9/2011
11-0463	Collins, Debbie	Division of Highways	372.64	Disallowed	1/23/2012
10-0538	Cottrell, Patty Cottrell and Melvin	Division of Highways	750.00	Disallowed	1/23/2012
10-0232	Craft, Martin Craft Sr. and Patricia K.	Division of Highways		Disallowed	5/9/2011
09-0172	Dodd General Contractors,	Division of Highways	61,517.14	Disallowed	1/23/2012
09-0397	Dye, Eugene R. Dye and Judy L.	Division of Highways	17,023.60	Disallowed	5/9/2011
10-0285	Fordyce, Michael Fordyce and Alisha	Division of Highways	1,349.00	Disallowed	1/23/2012
10-0633	Heck, William H.	Division of Highways	550.00	Disallowed	9/15/2011
11-0469	Henderson, Tiffany M.	Division of Highways	569.22	Disallowed	1/23/2012
11-0075	Jackson, Shane M.	Division of Highways	1,200.00	Disallowed	1/23/2012
10-0163	Pinti, Kelly L.	Division of Highways	1,472.10	Disallowed	7/1/2011
11-0215	Ramsey, Christine M.	Division of Highways	300.00	Disallowed	1/23/2012
10-0357	Rotenberry, Clifford Rotenberry and Janice	Division of Highways	1,468.53	Disallowed	10/26/2011
11-0524	Snyder, James E.	Division of Highways	1,843.34	Disallowed	1/23/2012

Number	Name of Claimant	Name of Respondent	Amount Claimed	Final Disposition	Date of Opinion
11-0145	Ware, Ruth A.	Division of Highways	500.00	Disallowed	9/15/2011
11-0050	Wheeling, Michael R.	Division of Highways		Disallowed	5/9/2011
08-0349	F & F Enterprises, dba Capitol Cafeteria,	State of West Virginia	3,601.75	Disallowed	1/23/2012
08-0441	F & F Enterprises, dba Capitol Cafeteria,	State of West Virginia	113,229.00	Disallowed	1/23/2012
			\$206,667.98		

COURT OF CLAIMS

ABSTRACTS OF CLAIMS AWARDED

CLAIM AGAINST BOARD OF COAL MINE HEALTH AND SAFETY

CC-11-0444 NICHOLAS S. PRESERVATI V. BOARD OF COAL MINE HEALTH AND SAFETY

_____ Claimant seeks to recover \$12,556.00 in attorney fees for legal services rendered to Respondent. Respondent admits the validity of the claim as well as the amount with respect to the services rendered in the sum of \$12,556.00, and states that there were sufficient funds with which the invoices could have been paid.

AMOUNT CLAIMED: \$12,556.00

AMOUNT AWARDED: \$12,556.00

CLAIM AGAINST DEPARTMENT OF ADMINISTRATION/OFFICE OF TECHNOLOGY

CC-11-0368 INFOPRINT SOLUTIONS COMPANY V. DEPARTMENT OF ADMINISTRATION/OFFICE OF TECHNOLOGY

Claimant seeks to recover \$83,174.39 for services rendered to Respondent. Respondent admits the validity of the claim as well as the amount. The Court finds that Claimant is entitled to an award.

AMOUNT CLAIMED: \$83,174.39

AMOUNT AWARDED: \$83,174.39

CLAIMS AGAINST DEPARTMENT OF EDUCATION

CC-11-0208 AB CONTRACTING INC. V. DEPARTMENT OF EDUCATION

_____ Claimant seeks payment in the amount of \$20,000.00 for approved construction work performed at the behest of Respondent. Respondent admits the validity of the claim as well as the amount. The Court finds that Claimant is entitled to an award.

AMOUNT CLAIMED: \$20,000.00

AMOUNT AWARDED: \$20,000.00

CLAIMS AGAINST DIVISION OF CORRECTIONS

CC-11-0275 CHRISTOPHER BLACKWELL V. DIVISION OF CORRECTIONS

Claimant, an inmate at Mount Olive Correctional Complex at the time of the incident, seeks to recover \$25.00 for articles of clothing that were sent to the laundry facility at the prison and never returned to him. Respondent admits the validity of the claim as well as the amount.

AMOUNT CLAIMED: \$25.00

AMOUNT AWARDED: \$25.00

CC-11-0164 BRANDON BUTLER V. DIVISION OF CORRECTIONS

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

AMOUNT CLAIMED: \$25.00

AMOUNT AWARDED: \$25.00

CC-10-0581 MERLE CASTO V. DIVISION OF CORRECTIONS

_____ Claimant, an inmate at Mount Olive Correctional Complex at the time of the incident, seeks to recover \$54.00 for a ceremonial tobacco pipe that was stolen from its storage location in the prison. Claimant was permitted to use the tobacco pipe for religious purposes. Respondent admits the validity of this claim as well as the amount.

AMOUNT CLAIMED: \$54.00

AMOUNT AWARDED: \$12.95

CC-10-0051 RICOH AMERICAS CORPORATION V. DIVISION OF CORRECTIONS

_____ Claimant seeks to recover \$452.82 for services rendered to Respondent and documented by two unpaid invoices for \$370.00 and \$82.80. In its Answer, Respondent admits the validity of the claim as well as the amount with respect to the services rendered in the sum of \$370.00.

AMOUNT CLAIMED: \$452.82

AMOUNT AWARDED: \$370.00

CC-11-0008 VERIZON NETWORK INTEGRATION CORP. V. DIVISION OF CORRECTIONS

_____ Claimant seeks to recover \$10,411.21 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 \$7,164.06. The amount of \$7,164.06 is fair and reasonable.

AMOUNT CLAIMED: \$10,411.21

AMOUNT AWARDED: \$7,164.06

CC-10-0671 WV PUBLIC EMPLOYEES INSURANCE AGENCY V. DIVISION OF CORRECTIONS

_____ Claimant seeks to recover \$508,958.79 for health and life insurance benefits provided to the Respondent's employees. In the Stipulation, Respondent admits the validity of the claim and the parties agree that an award in the amount of \$438,129.71 is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$508,958.79

AMOUNT AWARDED: \$438,129.71

CC-11-0617 WV REGIONAL JAIL AUTHORITY V. DIVISION OF CORRECTIONS

____ Claimant, Regional Jail Authority, provides and maintains the Central Regional Jail, Eastern Regional Jail, Northern Regional Jail, North Central Regional Jail, Potomac Highlands Regional Jail, South Central Regional Jail, Southern Regional Jail, Southwestern Regional Jail, Tygart Valley Regional Jail, and Western Regional Jail as facilities for the incarceration of prisoners who have committed crimes in various counties. Some of the prisoners held in these regional jails have been sentenced to facilities owned and maintained by the Respondent, Division of Corrections. Claimant brought this action in the amount of \$5,458,871.50 to recover the per diem costs associated with housing and providing services to prisoners who have been sentenced to a State penal institution, but due to circumstances beyond the control of the Claimant, have remained in the regional jails. Respondent admits the validity and the amount of this claim.

AMOUNT CLAIMED: \$5,458,871.50

AMOUNT AWARDED: \$5,458,871.50

CLAIMS AGAINST THE DIVISION OF HIGHWAYS

CC-10-0126 JOEL ABBOTT V. DIVISION OF HIGHWAYS

____ Claimant brought this action for vehicle damage which occurred when his 2008 Chevrolet Avalanche struck a sunken drainage grate on US Route 60, locally designated Lee Street, in Charleston, Kanawha County. The parties stipulated to the damages and negligence of Respondent. Respondent was responsible for the maintenance of US Route 60 which it failed to maintain properly on the date of the incident. As a result, Claimant's vehicle sustained damage in the amount of \$2,495.78. This amount is fair and reasonable.

AMOUNT CLAIMED: \$2,495.78

AMOUNT AWARDED: \$2,495.78

CC-10-0212 CINNAMENT ADKINS V. DIVISION OF HIGHWAYS

____ The parties stipulated to the following: On March 4, 2010, Claimant's 2003 Kia Sienna struck a hole on WV Route 61 in Crown Hill, Kanawha County. Respondent is responsible for the maintenance of WV Route 61 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 \$626.75. Respondent and Claimant agree that the amount of \$300.00 is fair and reasonable to settle this claim.

AMOUNT CLAIMED: \$626.75

AMOUNT AWARDED: \$300.00

CC-10-0335 MARLINE E. ALFORD V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 18, 2010, Claimant's 2001 Mazda Millenia struck a hole in the road on US Route 119, locally designated Spencer Road, near Clendenin, Kanawha County. Respondent is responsible for the maintenance of US Route 119 which it failed

to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage to the front tires in the amount of \$222.39. Respondent agrees that the amount of \$222.39 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$222.39

AMOUNT AWARDED: \$222.39

CC-11-0101 DAVID K. ASH SR. V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 21, 2011, the Claimant, David K. Ash Sr., was traveling along W. Va. Route 22 near Weirton, Brooke County, when his 2004 Ford XLT struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 22, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$591.69. However, the Claimant's insurance requires a \$500.00 deduction; therefore, the Claimant's award is limited to \$500.00. The amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$591.69

AMOUNT AWARDED: \$500.00

CC-11-0364 RICHARD ASHMORE V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage, which occurred while his wife was driving his 2008 Subaru Legacy. Claimant's wife was driving his vehicle when it struck a large hole while she was traveling along Gregory Run Road, designated as County Route 9 near Wilsonburg, Harrison 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. 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: \$434.07

AMOUNT AWARDED: \$434.07

CC-11-0019 JARRID CARL BASHAM V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 1, 2011, the Claimant, Jarrid Carl Basham, was traveling north on Route 16 near Mabscott, Raleigh County, when his 2009 Ford Focus struck a large hole causing a wheel to become dented and the tire to rupture. Respondent was responsible for the maintenance of W. Va. Route 16, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$518.03. However, Claimant's insurance had a \$500.00 deductible; therefore, recovery is limited to \$500.00. The amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$518.03

AMOUNT AWARDED: \$500.00

CC-0188 HOPE BEASLEY V. DIVISION OF HIGHWAYS

The parties stipulated as follows: During the winter months of 2011, the Claimant, Hope Beasley, while traveling along the County Route 7/3 near Charleston, Kanawha County, at various

times at which her 2009 Chevrolet Malibu struck a series of holes in the travel portion of the road. Respondent was responsible for the maintenance of County Route 7/3, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained cumulative damages in the amount of \$615.86. The Claimant carried only liability insurance at the time of the incident. Respondent agrees that the amount of \$615.86 is fair and reasonable.

AMOUNT CLAIMED: \$615.86

AMOUNT AWARDED: \$615.86

CC-10-0103 WILMA JEAN BEAGLE-GERMAN V. DIVISION OF HIGHWAYS

_____ The parties stipulated as follows: On January 13, 2010, Claimant's 2007 Ford 500 struck a hole in the road on WV Route 87 towards Ripley, Mason County. Respondent is responsible for the maintenance of WV Route 87 which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage to the right front rim and tire in the amount of \$460.04. Claimant's insurance deductible was \$500.00. Respondent agrees that the amount of \$460.04 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$460.04

AMOUNT AWARDED: \$460.04

CC-11-0258 TERRI ANE' BERKLEY V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage, which occurred while she was driving her 2003 Lexus ES 300. Claimant's vehicle was traveling east on Raven Drive and collided with a vehicle traveling south on Davidson Avenue. The Court is of the opinion that Respondent had, at the least, constructive notice of the missing stop sign. Given the risk created without a stop sign at an intersection on a heavily traveled road the Claimant should make a recovery for the damage to her vehicle.

AMOUNT CLAIMED: \$1,138.26

AMOUNT AWARDED: \$500.00

CC-11-0011 FRANKLIN M. BEVINS AND MARTHA BEVINS V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 2, 2011, the Claimant, Franklin M. Bevins, was traveling northbound on W. Va. Route 16 near Beckley, Raleigh County, when his 2004 Honda Accord struck a large hole causing a wheel to become dented and the tire to rupture. Respondent was responsible for the maintenance of W. Va. Route 16, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimants' vehicle sustained damage in the amount of \$758.43. However, Claimant maintains insurance with a \$500.00; therefore, the Claimant is limited to an award of \$500.00. The amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$758.43

AMOUNT AWARDED: \$500.00

CC-10-0596 CONNIE BLAIR AND LARRY BLAIR V. DIVISION OF HIGHWAYS

_____ The parties stipulated as follows: In May 2010, Claimant, Connie Blair, was traveling along

County Road 38 near Washington, Wood County, when her 2007 Dodge Caravan struck a series of holes causing damage to the Claimants' vehicle. Respondent was responsible for the maintenance of County Road 38, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimants' vehicle sustained damage in the amount of \$183.38. The amount of \$183.38 is fair and reasonable.

AMOUNT CLAIMED: \$183.38

AMOUNT AWARDED: \$183.38

CC-11-0066 WENDY BLANKENSHIP V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On February 7, 2011, Claimant's 2009 Ford Focus struck a hole in the roadway of Route 622 in Kanawha County. Respondent is responsible for the maintenance of Route 622 which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage to its tires in the amount of \$412.67. Respondent agrees that the amount of \$412.67 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$412.67

AMOUNT AWARDED: \$412.67

CC-10-0405 SCOTT D. BOLEN V. DIVISION OF HIGHWAYS

_____The parties stipulated to the following: On May 16, 2010, Claimant's 1989 Oldsmobile 98 struck a rock covered by high water in the roadway of Route 19 in Raleigh County. Respondent is responsible for the maintenance of Route 19 which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage in the amount of \$891.93. Claimant held liability insurance only at the time of the incident. Respondent agrees that the amount of \$891.93 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$891.93

AMOUNT AWARDED: \$891.93

CC-10-0052 ANTHONY BONGIOVANNI V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 27, 2010, the Claimant, Anthony Bongiovanni, was traveling along Old US Highway 22, also designated Cove Road near Weirton, Brooke County, when his 2002 Ford Tarus struck a series of holes causing damage to a wheel and tire. Respondent was responsible for the maintenance of Old US Highway 22, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$88.48. The amount of \$88.48 is fair and reasonable.

AMOUNT CLAIMED: \$88.48

AMOUNT AWARDED: \$88.48

CC-11-0105 MARY BOWLES AND LORETTA BOWLES V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2007 Ford 500 struck a hole on County Route 3, locally designated Walker Branch Road, in Huntington, Cabell County. The Court is of the opinion that Respondent had, at the least, constructive notice of the hole

in the roadway on County Route 3. Since holes in the main travel portion of the road created a hazard to the traveling public, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$1,019.24

AMOUNT AWARDED: \$1,019.24

CC-09-0370 JANET BRAMMER V. DIVISION OF HIGHWAYS

_____The parties stipulated to the following: On July 11, 2009, Claimant's real property located at 1158 South Jefferson Drive, Huntington, Cabell County, was damaged by a flood caused by a broken culvert. Respondent is responsible for the maintenance of Jefferson Drive along with its drains and ditches, which it failed to maintain properly on the date of this incident. As a result, Claimant's basement was flooded, causing damage to the baseboards, walls, and carpet. Respondent agrees that the amount of \$2,517.68 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$2,517.68

AMOUNT AWARDED: \$2,517.68

CC-11-0143 JAMES H. BRENT AND BETTY BRENT V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 27, 2011, the Claimants, James and Betty Brent, were traveling northbound on Interstate 77 near Vienna, Wood County, when their 2009 Hyundai Sonata struck a large hole, damaging a wheel and the tire. Respondent was responsible for the maintenance of Interstate 77, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimants' vehicle sustained damage in the amount of \$331.34. However, the Claimants' insurance requires a \$250.00 deduction; therefore, the Claimant's are limited to \$250.00 in allowable expenses. The amount of \$250.00 is fair and reasonable.

AMOUNT CLAIMED: \$331.34

AMOUNT AWARDED: \$250.00

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

_____The parties stipulated as follows: On March 23, 2009, Claimant's 1998 Lincoln Navigator struck a pothole in the roadway of 8th Avenue in Huntington in Cabell County. Respondent is responsible for the maintenance of 8th Avenue 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 \$1,016.52. Claimant held liability insurance only at the time of the incident. Respondent agrees that the amount of \$1,316.52 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$1,316.52

AMOUNT AWARDED: \$300.00

CC-10-0166 JENNIFER BURCH V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On March 06, 2010, Claimant's 2001 Mercedes S600 struck a hole in the roadway of Route 152 in Huntington. Respondent is responsible for the maintenance of Route 152 which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage to a tire in the amount of \$2,191.33. Claimant's

insurance deductible was \$1,000.00. Respondent agrees that the amount of \$1,000.00 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$1,000.00

AMOUNT AWARDED: \$1,000.00

CC-10-0666 KIMBERLY D. BURFORD V. DIVISION OF HIGHWAYS

_____ The parties stipulated to the following: On November 17, 2010, Claimant's 1994 Mazda struck a hole in the roadway of Montrose Drive in Kanawha County. Respondent is responsible for the maintenance of Montrose Drive which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage to a tire in the amount of \$160.00. Respondent agrees that the amount of \$160.00 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$160.00

AMOUNT AWARDED: \$160.00

CC-10-0535 DONALD E. BURKEY V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage, which occurred while he was driving his 2003 Mazda Miata. Claimant's vehicle struck a series of holes while traveling along W. Va. Route 88 near Bethlehem, Marshall County. The Court is of the opinion that Respondent had, at the least, constructive notice of the road condition, and that the general road condition poses a hazard to the traveling public's property. The frequency of the holes coupled with the knowledge that these roads are being used more heavily and the roads were not constructed for such traffic leads the Court to conclude that Respondent was negligent. Thus, Claimant may make a recovery for the damage to his vehicle.

AMOUNT CLAIMED: \$1,441.92

AMOUNT AWARDED: \$500.00

CC-11-0015 HEATHER M. BUZMINSKY V. DIVISION OF HIGHWAYS

_____ The parties stipulated as follows: On January 3, 2011, the Claimant, Heather M. Buzminsky, was traveling along Route 16 near Mabscott, Raleigh County when her 2011 Hyundai Sonata struck a large hole, causing the left front wheel to bend and the tire to rupture. Respondent was responsible for the maintenance of W. Va. Route 16, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$632.08. The amount of \$632.08 is fair and reasonable.

AMOUNT CLAIMED: \$632.08

AMOUNT AWARDED: \$632.08

CC-10-0549 MICHAEL F. CAIN V. DIVISION OF HIGHWAYS

_____ The parties stipulated as follows: On August 10, 2010, the Claimant, Michael Cain, was traveling along County Route 48 near Calis, Marshall County, when their 2006 Ford Mustang struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of County Route 48, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$2,728.05. However, the Claimant's

insurance required a \$500.00 deduction at the time of the incident; therefore, the Claimant's award is limited to \$500.00. The amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$2,728.05

AMOUNT AWARDED: \$500.00

CC-11-0262 CHRISTOPHER F. CARNEY V. DIVISION OF HIGHWAYS

_____ The parties stipulated to the following: On April 2, 2011, the Claimant, Christopher Carney, was traveling eastbound on Route I-70 near Triadelphia, Ohio County, when his 2006 Honda Accord struck a large hole causing a tire to rupture. Respondent was responsible for the maintenance of I-70, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$169.55. The amount of \$169.55 is fair and reasonable.

AMOUNT CLAIMED: \$169.55

AMOUNT AWARDED: \$169.55

CC-10-0459 JAY REED CARPER and DONNA E. CARPER V. DIVISION OF HIGHWAYS

_____ Claimants brought this action for vehicle damage which occurred when their 2001 Chevrolet Silverado struck a section of guardrail on US Route 119, locally designated Spencer Road, in Clendenin, Clay County. US Route 119 is a public road maintained by Respondent. As a result of this incident, Claimants' vehicle sustained a dent, a quarter of an inch to an inch deep, from the front passenger fender through the bed of the truck costing \$1,482.30 to repair. Claimants' vehicle had liability insurance only. The Court finds that the Claimant's negligence equals thirty-five percent (35%) of his loss. Since the negligence of the Claimant is not equal to or greater than the negligence of the Respondent, Claimant may recover sixty-five percent (65%) of the loss sustained.

AMOUNT CLAIMED: \$1,482.30

AMOUNT AWARDED: \$963.50

CC-10-0347 CHRISTOPHER CLAGG V. DIVISION OF HIGHWAYS

_____ The parties stipulated as follows: On April 12, 2010, the Claimant, Christopher Clagg, was traveling along McJunkin Road near Nitro, Kanawha County, when his 2010 Nissan Maxima struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of McJunkin Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$946.70. Claimant's insurance carries a \$1,000.00 deductible. The amount of \$946.70 is fair and reasonable.

AMOUNT CLAIMED: \$946.70

AMOUNT AWARDED: \$946.70

CC-09-0591 SARA CLAY V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On October 21, 2009, Claimant's 2009 Pontiac G5 struck a hole in the road on WV Route 152, locally designated 5th Street, 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, Claimant's vehicle sustained damage to two tires and wheels in the amount of \$773.01. Claimant's insurance deductible was \$500.00. Respondent agrees that the amount of \$500.00 for the deductible put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$773.01

AMOUNT AWARDED: \$500.00

CC-11-0503 BRENDA J. COGAR V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On July 25, 2011, the Claimants, Brenda J. Cogar, was traveling on Fort Martin Road in Madsville, Monongalia County, when her 2008 GMC Yukon struck a series of holes, causing a wheel to become dented and the tire to rupture. Respondent was responsible for the maintenance of Fort Martin Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$198.21. The amount of \$198.21 is fair and reasonable.

AMOUNT CLAIMED: \$198.21

AMOUNT AWARDED: \$198.21

CC-11-0020 TAMERA COLEMAN V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On January 2, 2011, Claimant's 2006 BMW 330i struck a hole in the roadway of Interstate 64 in Kanawha County. Respondent is responsible for the maintenance of Interstate 64 which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage to a tire in the amount of \$519.12. Claimant's insurance deductible was \$250.00. Respondent agrees that the amount of \$250.00 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$519.12

AMOUNT AWARDED: \$250.00

CC-11-0166 SEDEDE COLLIERS V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred while he was driving his 1995 Chevrolet Caprice. Claimant's vehicle struck a large hole located on a bridge while traveling along W. Va. Route 105 near Weirton, Hancock County. The Court is of the opinion that Respondent had, at the least, constructive notice of the poor condition of the bridge and roadway. The size of the depression and its location on the travel portion of the road leads the Court to conclude that Respondent was negligent. Thus, Claimant may make a recovery for the damage to his vehicle.

AMOUNT CLAIMED: \$549.28

AMOUNT AWARDED: \$549.28

CC-11-0267 MICHAEL B. CONOWAY AND LISA CONOWAY V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On March 14, 2011, the Claimants, Michael B. Conoway and Lisa Conoway, were traveling along Rabbit Hill Road near Wellsburg, Brooke County, when their 2007 Subaru Legacy struck a large hole in the travel portion of the ramp, damaging two wheels.

Respondent was responsible for the maintenance of Rabbit Hill Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimants' vehicle sustained damage in the amount of \$542.10. The amount of \$542.10 is fair and reasonable.

AMOUNT CLAIMED: \$542.10

AMOUNT AWARDED: \$542.10

CC-10-0433 PATRICIA M. COOPER V. DIVISION OF HIGHWAYS

_____ Claimant brought this action for vehicle damage which occurred when her 2001 Hyundai Elantra struck a drainage grate on Kanawha Terrace, designated Route 60/14, in St. Albans, Kanawha County. Kanawha Terrace is a public road maintained by Respondent. As a result of this incident, Claimant alleges that her vehicle sustained damage to the right rear tire and wheel as well as both rear strut assemblies, requiring their replacement, plus a rear alignment, in the total amount of \$806.80. Claimant's vehicle had liability insurance only. Claimant should be awarded the sum of \$545.18.

AMOUNT CLAIMED: \$806.80

AMOUNT AWARDED: \$545.18

CC-10-0107 ROBERT DALE CRIM V. DIVISION OF HIGHWAYS

_____ The parties stipulated as follows: On February 23, 2010, Claimant's 2010 Lincoln MKZ struck a hole in the roadway of Buckhannon Avenue in Clarksburg, Harrison County. Respondent is responsible for the maintenance of Buckhannon Avenue 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 \$240.57. Claimant's insurance deductible was \$500.00 at the time of the incident. Respondent agrees that the amount of \$240.57 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$240.57

AMOUNT AWARDED: \$240.57

CC-10-0534 DONALD CROSEN V. DIVISION OF HIGHWAYS

_____ The parties stipulated as follows: On August 5, 2010, Claimant's 1991 Harley Davidson FXSTS struck a hole in the road on Myers Street in Berkeley Springs, Morgan County. Respondent is responsible for the maintenance of Myers Street which it failed to maintain properly on the date of this incident. As a result, Claimant's motorcycle sustained damage to the front wheel and tire in the amount of \$3,300.00. Claimant's insurance deductible was \$250.00. Respondent agrees that the amount of \$250.00 for the deductible put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$3,300.00

AMOUNT AWARDED: \$250.00

CC-11-0083 BARBARA J. CROUSE V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred while her husband was driving her 2008 Ford F-250 Super Duty. Claimant struck a protruding road sign while traveling on County Route 85 near Van, Boone County. The Court is of the opinion that Respondent had, at the least,

constructive notice of the sign in question. Furthermore, Respondent's claim that the property owner is to blame has no merit and amounts to speculation at best. Thus, Claimant may make a recovery for the damage to his vehicle.

AMOUNT CLAIMED: \$682.50

AMOUNT AWARDED: \$682.50

CC-10-0620 NICHOLAS CUMBERLEDGE and ELIZABETH CUMBERLEDGE V. DIVISION OF HIGHWAYS

Claimants Nicholas Cumberledge and Elizabeth Cumberledge brought this action to recover damages to the tires of two vehicles that were punctured by sharp rocks on County Route 20/39, locally designated Shaw Hollow Road, in Wallace, Harrison County. County Route 20/39 is a public road maintained by Respondent. Claimants opted to replace all four tires on both vehicles, in the total amount of \$1,225.80. Claimants had no collision coverage on the 2001 Stratus; however, they had a collision deductible of \$500.00 on the Dodge Durango, thus, Claimants' recovery for the tires on that vehicle is limited to that amount. Claimants should be awarded the sum of \$300.00.

AMOUNT CLAIMED: \$1,225.80

AMOUNT AWARDED: \$300.00

CC-10-0610 LESLIE DAVIS V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On February 26, 2010, Claimant's 2000 Dodge Neon struck a hole in the roadway of Route 50 in Bridgeport in Harrison County. Respondent is responsible for the maintenance of Route 50 which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage to its gas tank in the amount of \$814.24. Claimant had liability insurance only at the time of the incident. Respondent agrees that the amount of \$814.24 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$814.24

AMOUNT AWARDED: \$814.24

CC-10-0413 LISA M. DAVIS V. DIVISION OF HIGHWAYS

_____The parties stipulate as follows: On June 1, 2010, Claimant's 2003 Chevrolet Avalanche struck a hole in the roadway of Martin's Branch Road in Kanawha County. Respondent is responsible for the maintenance of Martin's Branch Road which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage to a tire in the amount of \$382.82. Claimant's insurance deductible was \$500.00. Respondent agrees that the amount of \$382.82 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$382.82

AMOUNT AWARDED: \$382.82

CC-11-0113 CAROLYN L. DAWSON V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On March 1, 2011, Claimant's 2001 Lincoln Towncar struck a hole in the roadway of Greenbrier Street in Kanawha County. Respondent is responsible for the maintenance of W.Va. Route 114 also known as Greenbrier Street which it failed to maintain

properly on the date of this incident. As a result, Claimant's vehicle sustained damage to its tires in the amount of \$226.42. Respondent agrees that the amount of \$226.42 for the damages put forth by the Claimant is fair and reasonable..

AMOUNT CLAIMED: \$226.42

AMOUNT AWARDED: \$226.42

CC-10-0303 KAREN DEEVERS V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On January 11, 2010, Claimant's 1998 Chevrolet S-10 Pickup Truck struck a hole in the roadway of North Texas Road in Augusta, Hampshire County. Respondent is responsible for the maintenance of North Texas Road which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage to its tires in the amount of \$209.82. Respondent agrees that the amount of \$209.82 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$209.82

AMOUNT AWARDED: \$209.82

CC-11-0412 THEODORE E. DRAGISICH V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On May 29, 2011, the Claimant, Theodore E. Dragisich, was traveling along Colliers Way, designated as W. Va. Route 105 near Weirton, Brooke County, when his 2007 BMW 328X1 struck a series of holes in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 105, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$411.45. Claimant's collision insurance deductible is \$1,000.00. The amount of \$411.45 is fair and reasonable.

AMOUNT CLAIMED: \$411.45

AMOUNT AWARDED: \$411.45

CC-10-0628 ROBERT E. DUVALL AND ELIZABETH C. DUVALL V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred while Mr. Duvall was driving their 2004 Ford F-350 Super Duty. Claimants' trailer rolled over and struck their vehicle while entering their driveway located along County Route 55 near West Liberty, Ohio County. The Court is of the opinion that Respondent had, at the least, constructive notice of the poor workmanship that lead to this incident. The unusually steep grade leading from the roadway to Claimants' driveway leads the Court to conclude that Respondent was negligent. Thus, Claimants may make a recovery for the damage to their vehicle.

AMOUNT CLAIMED: \$4,493.66

AMOUNT AWARDED: \$250.00

CC-11-0373 JEFF EANES V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On April 26, 2011, the Claimant, Jeff Eanes, was traveling south on W. Va. Route 26 (North Preston Highway) near Valley Point, Preston County, when his

2010 Toyota Tundra struck a hole causing the rear passenger tire to rupture. The tire could not be fixed. Respondent was responsible for the maintenance of W. Va. Route 26, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$261.80. The amount of \$261.80 is fair and reasonable.

AMOUNT CLAIMED: \$261.80

AMOUNT AWARDED: \$261.80

CC-10-0375 TERRI L. FARLEY V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2008 Suzuki SX4 all-wheel drive struck a hole on WV Route 3 near Dameron, Raleigh County. The Court is of the opinion that claimant is entitled to the price of two tires, one rim, a wheel alignment, and the tie-rod and bushing replacement.

AMOUNT CLAIMED: \$677.35

AMOUNT AWARDED: \$500.00

CC-10-0105 EMANUEL FERGUSON V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2007 Ford 500 struck a hole on County Route 3, locally designated Walker Branch Road, in Huntington, Cabell County. The Court is of the opinion that Respondent had, at the least, constructive notice of the hole in the roadway on County Route 3. Since holes in the main travel portion of the road created a hazard to the traveling public, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$1,360.85

AMOUNT AWARDED: \$500.00

CC-11-0142 CHAR G. FOX V. DIVISION OF HIGHWAYS

_____ The parties stipulated as follows: On March 9, 2011, Claimant's 2008 Ford Focus struck a hole in the roadway of Route 60 near Culloden in Putnam County. Respondent is responsible for the maintenance of Route 60 which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage to its tires in the amount of \$397.68. Claimant's insurance deductible at the time of the incident was \$1,000.00. Respondent agrees that the amount of \$397.68 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$397.68

AMOUNT AWARDED: \$397.68

CC-11-0388 JAMES A. MAYS AND BONNIE J. FRIEND V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage, which occurred while claimant James A. Mays was driving his 2007 Chevrolet Silverado pickup truck. Claimant struck a large hole while traveling along County Route 11 near Mannington, Marion County. The Court is of the opinion that Respondent had, at the least, constructive notice of the hole which Claimants' vehicle struck, and that hole presented a hazard to the traveling public. The size of the hole and its location on the travel portion of the road leads the Court to conclude that Respondent was negligent. Thus, Claimants may make a recovery for the damage to his vehicle.

AMOUNT CLAIMED: \$1,000.00

AMOUNT AWARDED: \$1,000.00

CC-10-0521 DAVID P. GILLISPIE V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred to his 2005 Toyota Avalon when he drove over a patch of freshly paved road on I-77 near Parkersburg, Wood County. The Court is of the opinion that Respondent had, at the least, constructive notice that paving an interstate highway on such a hot day could result in tar splashing onto vehicles traveling the road and create a hazardous condition. Thus, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$351.92

AMOUNT AWARDED: \$100.00

CC-10-0089 DWIGHT GOFF AND DEBRA GOFF V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 18, 2010, The Claimants' daughter, Kristin Goff, was traveling on the I-79 on-ramp under the US Route 50 overpass in Clarksburg, Harrison County, when the Claimants' vehicle was struck by concrete falling from the overpass. Respondent is responsible for the maintenance of I-79 and US Route 50 at the location of the incident, which it failed to maintain properly on the date of this incident. As a result, Claimants' vehicle sustained damage to the roof and windshield in the amount of \$4,095.24. Claimants' insurance deductible was \$100.00. Respondent agrees that the amount of \$381.37 for the Claimants' deductible and rental car is fair and reasonable.

AMOUNT CLAIMED: \$4,095.24

AMOUNT AWARDED: \$381.37

CC-10-0409 RICHARD GONZALEZ V. DIVISION OF HIGHWAYS

_____ Claimant, Richard Gonzalez, brought this action for vehicle damage which occurred when his 2005 Buick Lacrosse struck a hole on WV Route 98 in Clarksburg, Harrison County. The Court finds that Claimant was ten percent (10%) negligent in the operation of his vehicle. Thus, Claimant's recovery is limited to ninety-percent (90%) of his loss.

AMOUNT CLAIMED: \$500.00

AMOUNT AWARDED: \$450.00

CC-11-0286 JUANITA D. GORE V. DIVISION OF HIGHWAYS

_____ The parties stipulated as follows: On March 28, 2011, the Claimant, Juanita D. Gore, was traveling along W. Va. Route 25 Institute, Kanawha County, when her 2000 Ford Explorer struck a severely deteriorated portion of the road. Respondent was responsible for the maintenance of W. Va. Route 25, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$562.07. However, the Claimant's insurance requires a \$500.00 deduction; therefore, the Claimant's award is limited to \$500.00. The amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$562.07

AMOUNT AWARDED: \$500.00

CC-10-0565 DENZIL GRAHAM V. DIVISION OF HIGHWAYS

_____ Claimant brought this action for vehicle damage which occurred while he was driving his 2007 Jeep Compass. Claimant's vehicle struck a large hole while traveling along Coal Lick Road, also designated as County Route 22 near Albright, Preston County. The Court is of the opinion that Respondent had actual notice of the condition that caused damage to Claimant's vehicle. There may indeed be a gap in the current permitting procedures for out-of-state oil and gas producers that causes a lack of cooperation between Respondent and producers; however, this is an issue for the State agencies to resolve and not this Court. Thus, Claimant may make a recovery for the damage to his vehicle.

AMOUNT CLAIMED: \$717.73

AMOUNT AWARDED: \$717.73

CC-10-0566 DENZIL GRAHAM AND SHELLEY GRAHAM V. DIVISION OF HIGHWAYS

_____ Claimants brought this action for vehicle damage, which occurred while Shelley Graham was driving the couple's 2003 Mitsubishi Outlander. Claimants' vehicle struck a large hole while traveling along Coal Lick Road, also designated as County Route 22, near Albright, Preston County. The Court is of the opinion that Respondent had actual notice of the condition that caused damage to Claimants' vehicle. There may indeed be a gap in the current permitting procedures for out of state oil and gas producers that causes a lack of cooperation between Respondent and producers; however, this is a question for the State agencies to resolve and not this Court. Thus, Claimants may make a recovery for the damage to their vehicle.

AMOUNT CLAIMED: \$619.59

AMOUNT AWARDED: \$619.59

CC-10-0697 KELSEY GRAHAM AND ROBIN GRAHAM V. DIVISION OF HIGHWAYS

_____ The parties stipulated as follows: On December 4, 2010, the Claimant, Kelsey Graham, was traveling along Grand Central Avenue in Vienna, Wood County, when her 2006 Mazda 3 struck a large hole, causing a wheel to become dented. Respondent was responsible for the maintenance of Grand Central Avenue, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimants' vehicle sustained damage in the amount of \$130.00. The amount of \$130.00 is fair and reasonable.

AMOUNT CLAIMED: \$130.00

AMOUNT AWARDED: \$130.00

CC-11-0086 GARY J. GRAY AND MARY C. GRAY V. DIVISION OF HIGHWAYS

_____ The parties stipulated as follows: On December 30, 2010, the Claimants, Gary and Mary Gray, were traveling northbound on U.S. Route 19 near Glen Jean, Fayette County, when their 2007 Chevrolet Cobalt struck a large hole causing the air bag light to activate and the wheels to fall out of alignment. Respondent was responsible for the maintenance of Route 19, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimants' vehicle sustained damage in the amount of \$244.09. The amount of \$244.09 is fair and reasonable.

AMOUNT CLAIMED: \$244.09

AMOUNT AWARDED: \$244.09

CC-10-0561 EDWARD L. GREEN V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred while he was driving his 2005 Chrysler Pacifica. Claimant's vehicle struck a large hole measuring approximately six inches in depth while traveling along W. Va. Route 20 near Webster Springs, Webster County. The Court is of the opinion that Respondent had, at the least, constructive notice of the hole in question. Respondent also should have known that it presented a hazard to the traveling public. The size of the hole and its location on the travel portion of the road leads the Court to conclude that Respondent was negligent. Thus, Claimant may make a recovery for the damage to his vehicle.

AMOUNT CLAIMED: \$1,489.02

AMOUNT AWARDED: \$1,000.00

CC-10-0444 ROGER L. GREEN V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 19, 2010, Claimant's 1995 Honda struck a hole in the roadway of 83rd Street & MacCorkle Avenue in Marmet. Respondent is responsible for the maintenance of 83rd Street which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage to a tire in the amount of \$81.20. Claimant's insurance deductible was \$250.00. Respondent agrees that the amount of \$81.20 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$81.20

AMOUNT AWARDED: \$81.20

CC-10-0602 ROBERT RAY HAINES V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 15, 2010, Claimant's 2008 Chevrolet Cobalt was sprayed with tar while traveling on WV Route 28 in Springfield, Hampshire County. Respondent is responsible for and was maintaining WV Route 28 which it did negligently on the date of this incident. As a result, Claimant's vehicle sustained paint damage in the amount of \$155.19. Respondent agrees that the amount of \$155.19 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$448.33

AMOUNT AWARDED: \$448.33

CC-11-0088 DOLORES HALBURN V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2010 Nissan Sentra struck a hole on Interstate 64 between Dunbar and Nitro, Kanawha County. The Court is of the opinion that Respondent had, at the least, constructive notice of the condition on I-64. Since a large hole in the travel portion of a high volume road created a hazard to the traveling public, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$487.09

AMOUNT AWARDED: \$487.09

CC-09-0236 RONALD HALL V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On April 19, 2009, Claimant's 2002 Audi struck a hole on a bridge on Route 98 near Nutter Fort, Harrison County, when a metal plate over the hole was not secured properly. Respondent is responsible for the maintenance of Route 98 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 \$1,032.20. Claimant's insurance deductible was \$500.00 at the time of the incident. Respondent agrees that the amount of \$500.00 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$1,032.20

AMOUNT AWARDED: \$500.00

CC-11-0273 KARLA HANES V. DIVISION OF HIGHWAYS

_____Claimant brought this action for vehicle damage which occurred while her daughter was driving her 2000 Saab 9-3 Convertible. Claimant's vehicle struck a large hole while Lauren Hanes was traveling along U.S. 119 near Morgantown, Monongalia County. The Court is of the opinion that Respondent had, at the least, constructive notice of the hole that caused damage to Claimant's vehicle. The size of the depression and the fact that cold patch is a less than temporary fix leads the Court to conclude that Respondent was negligent. Thus, Claimant may make a recovery for the damage to her vehicle.

AMOUNT CLAIMED: \$996.58

AMOUNT AWARDED: \$500.00

CC-09-0332 JARED B. KNIGHT AND MARY M. HANNA V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On June 12, 2009, Claimants were traveling County Route 72, locally designated as Millstone Road, in Gallipolis Ferry, Mason County, when their vehicle struck a hole causing damage to two wheels and tires. Respondent is responsible for the maintenance of County Route 72 which it failed to maintain properly on the date of this incident. As a result, Claimants' vehicle sustained damage in the amount of \$1,183.00. Claimant's insurance deductible was \$1,000.00. Respondent agrees that the amount of \$1,000.00 for the deductible put forth by the Claimants is fair and reasonable.

AMOUNT CLAIMED: \$1,183.00

AMOUNT AWARDED: \$1,000.00

CC-10-0593 ANTHONY HARBISON V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On August 18, 2010, Claimant's 2001 Mitsubishi Eclipse struck a hole in the roadway of Maxwell Hill Road in Raleigh County. Respondent is responsible for the maintenance of Maxwell Hill 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 \$599.00, his out-of-pocket loss. Claimant's insurance deductible was \$500.00 at the time of the incident. Respondent agrees that the amount of \$599.00 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$599.00

AMOUNT AWARDED: \$599.00

CC-10-0638 STEVEN HARDMAN V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred while he was driving his 2008 Chevrolet Cobalt. Claimant struck a series of large holes while traveling along Despard Road, designated as W. Va. Route 24/2 in Clarksburg, Harrison County. The Court finds that the Claimant was also negligent for fifteen percent (15%) of the damage. Thus, Claimant may make a recovery for the damage to his vehicle reduced by the amount of his comparative negligence.

AMOUNT CLAIMED: \$557.39

AMOUNT AWARDED: \$473.78

CC-09-0598 ANGELIA HARPER, AS NATURAL MOTHER AND ADMINISTRATRIX OF JUSTIN JANES, V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 26, 2007, the Claimant's decedent, Justin Janes, was a passenger in a motor vehicle being driven on County Route 35/1, designated Devil's Fork Road, when the decedent's vehicle left the roadway at or near mile post 0.87. Respondent is responsible for the maintenance of County Route 35/1, situated in Raleigh and Wyoming Counties, and a low-water crossing on said roadway. At the time of the incident there were no posted signs, markings, or guardrails to warn or protect motorists on the roadway. As a result of the motor vehicle leaving the Roadway in which the Claimant's decedent was riding, the decedent died.

AMOUNT CLAIMED: \$1,000,000.00

AMOUNT AWARDED: \$355,000.00

CC-11-0374 ZACHARY P. HARTZELL V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On May 9, 2011, the Claimant, Zachary P. Hartzell, was traveling on Holland Avenue near Westover, Monongalia County, when his 2007 Audi A4 struck a large hole, causing a wheel to become dented and the tire to rupture. Respondent was responsible for the maintenance of Holland Avenue which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$217.00. The amount of \$217.00 is fair and reasonable.

AMOUNT CLAIMED: \$217.00

AMOUNT AWARDED: \$217.00

CC-11-0348 WILLIAM HAWKER V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On January 23, 2011, Claimant's 2007 Dodge Grand Caravan was struck by rocks falling in the road on US Route 19 near Nutter Fort, Harrison County. Respondent is responsible for the maintenance of US Route 19 which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage to the passenger side door, and both passenger side wheels and tires the amount of \$1,068.47. Claimant had a \$300.00 insurance deductible at the time of the incident. Respondent agrees that the amount of \$300.00 for the deductible put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$1,068.47

AMOUNT AWARDED: \$300.00

CC-11-0140 RICHARD HEATH V. DIVISION OF HIGHWAYS

_____ The parties stipulated as follows: On March 13, 2011, Claimant's 2008 Mercedes struck a hole in the roadway of I-64 at the Oakwood Road exit ramp in Kanawha County. 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 to its tires in the amount of \$537.58. Respondent agrees that the amount of \$537.58 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$537.58

AMOUNT AWARDED: \$537.58

CC-11-0174 KYLE HESS AND EARL K. HESS V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2009 Mercedes C300 struck a hole along Canyon Road, designated as W. Va. Route 67 near Morgantown, Monongalia County. The Court finds that Claimant's negligence equals ten-percent (10%) of his loss. Since the negligence of Claimant is not greater than or equal to the negligence of Respondent, Claimant may recover ninety-percent (90%) of the loss sustained.

AMOUNT CLAIMED: \$555.44

AMOUNT AWARDED: \$450.00

CC-10-0498 SANDRA HISSOM V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 25, 2010, Claimant's 2004 Lexus RX 330 struck a hole in the roadway of Sissonville Drive in Kanawha County. Respondent is responsible for the maintenance of Sissonville Drive which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage to a tire in the amount of \$519.14. Claimant's insurance deductible was \$500.00. Respondent agrees that the amount of \$500.00 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$519.14

AMOUNT AWARDED: \$500.00

CC-11-0340 WILLIAM E. HOFFER V. DIVISION OF HIGHWAYS

_____ The parties stipulated as follows: On April 29, 2011, the Claimant, William E. Hoffer, was traveling along W. Va. Route 2 near Moundsville, Marshall County, when his 2002 Buick Century struck a series of holes in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 2, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$615.00. Claimant had liability insurance only. The amount of \$615.00 is fair and reasonable.

AMOUNT CLAIMED: \$615.00

AMOUNT AWARDED: \$615.00

CC-10-0286 MICHELLE HOLLEY AND ROGER HOLLEY V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On April 20, 2010, Claimants were traveling on County Route 11, locally designated 8th Street, near Huntington, Cabell County, when their vehicle struck a hole in the road. Respondent is responsible for the maintenance of County Route 11, which it failed to maintain properly on the date of this incident. As a result, Claimants' vehicle sustained damage to right front tire in the amount of \$119.32. Claimants' insurance carries a \$100.00 deduction; therefore, any award is limited to that amount. Respondent agrees that the amount of \$100.00 for the Claimants' deductible and rental car is fair and reasonable.

AMOUNT CLAIMED: \$119.32

AMOUNT AWARDED: \$100.00

CC-11-0292 TERRY A. HOWELL V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On March 16, 2011, the driver of the Claimant's vehicle, Heather Rine, was traveling along Next Road near Sistersville, Tyler County, when her vehicle, a 2005 Pontiac G6, struck a broken road sign along the road causing the tires to flatten. Respondent was responsible for the maintenance of Next Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$221.43. The amount of \$221.43 is fair and reasonable.

AMOUNT CLAIMED: \$221.43

AMOUNT AWARDED: \$221.43

CC-09-0369 PAUL JAQUAY V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 30, 2009, the Claimant, Paul Jaquay, was traveling along Whites Lane and W. Va. Route 88 near Wheeling, Marshall County, when his 1999 Oldsmobile Alero struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 88, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$173.24. The amount of \$173.24 is fair and reasonable.

AMOUNT CLAIMED: \$173.24

AMOUNT AWARDED: \$173.24

CC-11-0564 CHERYL JARVIS V. DIVISION OF HIGHWAYS

_____Claimant brought this action for vehicle damage which occurred while she was driving her 1998 Chevrolet Malibu. Claimant's vehicle struck two large holes while traveling along Old W. Va. Route 250 near Farmington, Marion County. The Court is of the opinion that Respondent had, at the least, constructive notice of the two holes. The size of the holes and the location on the travel portion of the road leads the Court to conclude that Respondent was negligent. Thus, Claimant may make a recovery for the damage to her vehicle.

AMOUNT CLAIMED: \$508.43

AMOUNT AWARDED: \$508.43

CC-10-0158 JOHN JONES V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On March 11, 2010, Claimant's 2007 Ford Fusion struck a hole in the roadway of Cabin Creek Road in Kanawha County. Respondent is responsible for the maintenance of Cabin Creek Road which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage to its tire in the amount of \$1,461.00. Claimant's insurance deductible was \$500.00. Respondent agrees that the amount of \$500.00 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$1,461.00

AMOUNT AWARDED: \$500.00

CC-09-0222 TERRY JORDAN V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On or around May 24, 2007, Claimant was operating a motorcycle on WV Route 62 in or near Leon, Mason County, when he lost control of the vehicle. Respondent is responsible for the maintenance of WV Route 62 in Mason County. Claimant alleges that on the day of the accident, a portion of WV Route 62 was in disrepair, that the condition of the road caused his accident, and that Respondent either knew or should have known about the condition of the road at that location. Respondent does not dispute the allegations contained in Paragraph 3 for the purpose of settlement of this claim.

AMOUNT CLAIMED: \$30,000.00

AMOUNT AWARDED: \$30,000.00

CC-11-0264 ROBERT A. KALO V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 5, 2011, the Claimant, Robert A. Kalo, was traveling along Interstate 70 near Wheeling, Ohio County, when his 2007 Hyundai Sonata struck two large holes in the travel portion of the road. Respondent was responsible for the maintenance of Interstate 70, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$355.34. However, the Claimant's insurance requires a \$250.00 deduction; therefore, the Claimant's award is limited to \$250.00. The amount of \$250.00 is fair and reasonable.

AMOUNT CLAIMED: \$355.34

AMOUNT AWARDED: \$250.00

CC-10-0332 WAYNE R. KERBY V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On April 15, 2010, the Claimant, Wayne R. Kerby, was traveling south along Interstate 77 near Sissonville, Kanawha County, when his 1997 Buick Park Avenue struck the base of a work zone barrel causing damage to the Claimant's vehicle. Respondent was responsible for the maintenance of Interstate 77, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$877.76. However, the Claimant's insurance requires a \$500.00 deduction; therefore, the Claimant's award is limited to \$500.00. The amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$877.76

AMOUNT AWARDED: \$500.00

CC-10-0263 SAMUEL E. KERWOOD V. DIVISION OF HIGHWAYS

_____ Claimant brought this action for vehicle damage which occurred when his 2004 Ford Explorer struck a missing portion of a curb located along W. Va. Route 507, also designated as Cove Road, near Weirton. The Court finds that Claimant's negligence equals ten percent (10%) of his loss. Since the negligence of Claimant is not greater than or equal to the negligence of Respondent, Claimant may recover ninety percent (90%) of the loss sustained.

AMOUNT CLAIMED: \$1,043.25

AMOUNT AWARDED: \$450.00

CC-11-0190 ANDREA KIRBY V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2007 Saturn Ion struck a hole on Earl Core Road, designated as W. Va. Route 7, near Sabraton, Monongalia County. The Court finds that the Claimant's negligence equals thirty-percent (30%) of her loss. Since the negligence of the Claimant is not greater than or equal to the negligence of the Respondent, Claimant may recover seventy-percent (70%) of the loss sustained.

AMOUNT CLAIMED: \$484.37

AMOUNT AWARDED: \$339.06

CC-11-0396 DELORIS LANDIS AND RONALD LANDIS V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage, which occurred when Claimant Deloris Landis was driving their 2010 Honda Fit. Claimants' vehicle struck a large hole while Mrs. Landis traveling along W. Va. Route 20 in Clarksburg, Harrison County. The Court is of the opinion that Respondent had, at the least, constructive notice of the condition of the deterioration at the site of the manhole which Claimants' vehicle struck, and that the condition presented a hazard to the traveling public. The Court concludes that Respondent was negligent for its maintenance of this area of the roadway. Thus, Claimants may make a recovery for the damage to their vehicle.

AMOUNT CLAIMED: \$458.88

AMOUNT AWARDED: \$458.88

CC-10-0156 ROBERT ALLEN LANG AND LINDA C. LANG V. DIVISION OF HIGHWAYS

_____ The parties stipulated as follows: On March 6, 2010, the Claimants, Robert and Linda Lang, were traveling northbound on W. Va. Route 19 near Osage, Monongalia County when their 2005 Chrysler PT Cruiser struck a series of small holes followed by one large hole, causing a wheel to become dented and the tire to flatten. Respondent was responsible for the maintenance of W. Va. Route 19, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimants' vehicle sustained damage in the amount of \$426.13. The amount of \$426.13 is fair and reasonable.

AMOUNT CLAIMED: \$426.13

AMOUNT AWARDED: \$426.13

CC-08-0460 KEITH L. LEAVENGOOD V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On or about October 4, 2008, Claimant fell between the roadway and a guardrail while avoiding traffic on a bridge located 0.01 miles north of County Route 6/3 in or near Metz, Marion County. Respondent is responsible for the maintenance of County Route 6/3 and its bridges in Marion County. Claimant sustained personal injuries as a result of his fall. Respondent was negligent in failing to maintain and repair the bridge and guardrail, and as such caused and/or contributed to Claimant's personal injuries. Respondent and Claimant agree that the total sum of Four Thousand Dollars (\$4,000.00) to be paid by Respondent to Claimant is a fair and reasonable settlement of this claim.

AMOUNT CLAIMED: \$4,000.00

AMOUNT AWARDED: \$4,000.00

CC-09-0267 PATTY S. LEWIS V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On May 27, 2009, Claimant's 2003 Toyota Tacoma struck a hole in the roadway of Route 19 near Clarksburg. Respondent is responsible for the maintenance of Route 19 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 \$339.22. Claimant's insurance deductible was \$500.00. Respondent agrees that the amount of \$339.22 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$339.22

AMOUNT AWARDED: \$339.22

CC-10-0595 DEBRA LONGSTRETH V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred while she was driving her 1999 Chrysler LHS. Claimant's vehicle struck a series of holes while traveling along Mountaindale Road, designated County Route 11, near Bruceton Mills, Preston County. The Court finds that Claimant's negligence equals twenty-percent (20%) of her loss. Since the negligence of Claimant is not greater than nor equal to the negligence of Respondent, Claimant may recover eighty-percent (80%) of the loss sustained.

AMOUNT CLAIMED: \$1,440.33

AMOUNT AWARDED: \$1,152.26

CC-10-0291 LOIS LUCAS V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On March 31, 2010, Claimant's 2004 Mercedes Benz struck a washed our section of roadway creating a "depression" on Big Tyler Mountain Road in Kanawha County. Respondent is responsible for the maintenance of Big Tyler Mountain Road which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage to its air strut in the amount of \$687.60 Claimant's insurance deductible was \$1,000.00. Respondent agrees that the amount of \$687.60 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$687.60

AMOUNT AWARDED: \$687.60

CC-09-0364 FREDDIE A. MARKS V. DIVISION OF HIGHWAYS

_____ Claimant brought this action for vehicle damage which occurred to his 2002 Mitsubishi Galant after daily driving over a road alleged to be poorly maintained. County Route 7/5, locally designated Woodland Road, in West Columbia, Mason County, which is a public road maintained by Respondent. It is the opinion of the Court of Claims that the Claimant should be awarded the sum of \$870.00.

AMOUNT CLAIMED: \$870.00

AMOUNT AWARDED: \$870.00

CC-10-0310 ALLEN R. MARPLE V. DIVISION OF HIGHWAYS

_____ The parties stipulated as follows: On April 15, 2010, the Claimant, Allen R. Marple, was traveling south along Interstate 77 near Goldtown, Jackson County, when his 1996 Honda Accord struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Interstate 77, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$2,798.31. The Claimant carried only liability insurance on the vehicle. The amount of \$2,798.31 is fair and reasonable.

AMOUNT CLAIMED: \$2,798.31

AMOUNT AWARDED: \$2,798.31

CC-10-0531 DEBRA MASSEY V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 21, 2010, Claimant's 2008 Dodge Nitro struck a hole in the roadway of Burnwell Bridge in Kanawha County. Respondent is responsible for the maintenance of Burnwell Bridge which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage to its tires in the amount of \$95.35. Respondent agrees that the amount of \$95.35 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$95.35

AMOUNT AWARDED: \$95.35

CC-09-0402 CHARITY MAYS V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 12, 2009, the Claimant, Charity Mays, was traveling northbound on Route 52 in Huntington, Cabell County, when her 1995 Chevrolet Monte Carlo struck a large hole, causing two wheels to become damaged and both tires to rupture. Respondent was responsible for the maintenance of Route 52, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$1,385.80. The amount of \$1,385.80 is fair and reasonable.

AMOUNT CLAIMED: \$1,385.80

AMOUNT AWARDED: \$1,385.80

CC-11-0108 ROY J. MCDANIEL V. DIVISION OF HIGHWAYS

_____ Claimant Roy J. McDaniel brought this action for vehicle damage which occurred when his 2001 Toyota Camry XLE struck a hole on Kanawha Turnpike in South Charleston, Kanawha County. The Court is of the opinion that Respondent had, at the least, constructive notice of the condition on Kanawha Turnpike. Since a large hole in the travel portion of a heavily traversed road created a hazard to the traveling public, the Court finds Respondent negligent. However, Respondent may only be held liable for the actual damage caused by its negligence.

AMOUNT CLAIMED: \$1,947.91

AMOUNT AWARDED: \$1,069.61

CC-08-0300 RANDY A. MCDONALD V. DIVISION OF HIGHWAYS

_____ The parties stipulated as follows: Claimant owns property located on WV County Route 707. Respondent is responsible for the maintenance of County Route 707 near Bridgeport, Harrison County, West Virginia. Claimant alleges that between June 3 and 4, 2008, heavy rains accumulated beneath County Route 707, burst through the pavement, and flooded his property as a result of poor construction and maintenance of the culvert underneath the road. The flood waters severely damaged a large storage building belonging to the Claimant as well as several items of personal property belonging to the Claimant that were stored in the building. Claimant and Respondent agree that an award of Fifty Thousand dollars (\$50,000.00) would be a fair and reasonable amount to settle this claim.

AMOUNT CLAIMED: \$50,000.00

AMOUNT AWARDED: \$50,000.00

CC-10-0206 MICKEAL WAYNE MCGRAW V. DIVISION OF HIGHWAYS

_____ The parties stipulated as follows: On March 19, 2010, Claimant's 2008 Audi TT struck a hole in the roadway of Ritter Drive in Raleigh County. Respondent is responsible for the maintenance of Ritter Drive which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage to its tires in the amount of \$252.28. Claimant's insurance deductible was \$1,000.00 at the time of the incident. Respondent agrees that the amount of \$252.28 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$252.28

AMOUNT AWARDED: \$252.28

CC-10-0102 RUSTI MENENDEZ-YOUNG V. DIVISION OF HIGHWAYS

_____ The parties stipulated as follows: On February 22, 2010, Claimant's 2009 Chevrolet Aveo struck a hole in the roadway of Route 19 in Harrison County. Respondent is responsible for the maintenance of Route 19 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 \$623.65. Claimant's insurance deductible was \$750.00 at the time of the incident. Respondent agrees that the amount of \$623.65 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$623.65

AMOUNT AWARDED: \$623.65

CC-10-0297 DAVID R. MICHAELS V. DIVISION OF HIGHWAYS

_____ Claimant brought this action for motorcycle damage which occurred while he was driving his 2002 Harley Davidson Low Rider. Claimant's motorcycle struck a series of deep gouges while traveling along W. Va. Route 2 near Chester, Hancock County. The Court is of the opinion that Respondent had, at the least, constructive notice of the improperly placed sign, and that the deep depressions in the road presented a hazard to the traveling public. The size of the depressions and their location on the travel portion of the road leads the Court to conclude that Respondent was negligent.

AMOUNT CLAIMED: \$200.00

AMOUNT AWARDED: \$200.00

CC-11-0232 JOHN MILLER AND MARY MILLER V. DIVISION OF HIGHWAYS

_____ The parties stipulated as follows: On March 15, 2011, the Claimants, John and Mary Miller, were traveling along U.S. Route 119 near Spencer, Roane County, when their 1997 Chrysler Sebring struck a series of small holes causing damage to two wheels and tires. Respondent was responsible for the maintenance of U.S. Route 119, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimants' vehicle sustained damage in the amount of \$752.87. However, the Claimants' insurance requires a \$500.00 deduction; therefore, Claimant's award is limited to \$500.00. The amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$752.87

AMOUNT AWARDED: \$500.00

CC-10-0585 NEVA MILLER AND LARRY MILLER V. DIVISION OF HIGHWAYS

_____ Claimants brought this action for vehicle damage which occurred when their 2004 Mitsubishi Galant struck a hole on County Route 3, locally designated Coal River Road in St. Albans, Kanawha County. The Court is of the opinion that Respondent had, at the least, constructive notice of the condition on County Route 3. Since a large hole in the travel portion of the road around a turn created a hazard to the traveling public, the Court finds Respondent negligent.

AMOUNT CLAIMED:

AMOUNT AWARDED: \$408.06

CC-10-0364 AMANDA L. MINNIX AND RODNEY K. MINNIX V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 11, 2010, Claimants' 1996 Ford Ranger struck a hole in the roadway of Ten Mile Road in Harrison County. Respondent is responsible for the maintenance of Ten Mile Road which it failed to maintain properly on the date of this incident. As a result, Claimants' vehicle sustained damage to its tires and rims in the amount of \$261.31. Claimants held liability insurance only at the time of the incident. Respondent agrees that the amount of \$261.31 for the damages put forth by the Claimants is fair and reasonable.

AMOUNT CLAIMED: \$261.31

AMOUNT AWARDED: \$261.31

CC-10-0465 GREGORY K. MITCHELL JR. V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 26, 2010, Claimant's 2000 GMC Sonoma struck a hole in the roadway of U.S. Route 19 near Mt. Hope in Fayette County. Respondent is responsible for the maintenance of U.S. Route 19 which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage in the amount of \$621.61. Claimant held liability insurance only at the time of the incident. Respondent agrees that the amount of \$621.61 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$621.61

AMOUNT AWARDED: \$621.61

CC-10-0164 EUSTACIA MOORE V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 1, 2010, Claimant's 2008 Subaru Impreza struck a hole in the roadway of Route 50 in Bridgeport, Harrison County. Respondent is responsible for the maintenance of Route 50 which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage to two tires and one rim in the amount of \$359.91. Claimant's insurance deductible was \$100.00 at the time of the incident; however, Claimant's policy excludes coverage for road damage to tires. Respondent agrees that the amount of \$190.00 for the replacement of both tires as put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$359.91

AMOUNT AWARDED: \$190.00

CC-10-0164 EUSTACIA MOORE V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 1, 2010, Claimant's 2008 Subaru Impreza struck a hole in the roadway of Route 50 in Bridgeport in Harrison County. Respondent is responsible for the maintenance of Route 50 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 \$359.91. Claimant's insurance deductible was \$100.00 at the time of the incident. Respondent agrees that the amount of \$100.00 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$359.91

AMOUNT AWARDED: \$100.00

CC-11-0087 EARL MORGAN AND CONNIE MORGAN V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 2, 2010, the Claimants, Earl and Connie Morgan, were traveling along Route 16 near Beckley, Raleigh County, when their 2005 Ford Taurus struck a series of large holes causing a wheel to become dented and two tires to rupture. Respondent was responsible for the maintenance of W. Va. Route 16, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimants' vehicle sustained damage in the amount of \$274.85. The amount of \$274.85 is fair and reasonable.

AMOUNT CLAIMED: \$274.85

AMOUNT AWARDED: \$274.85

CC-10-0612 PATRICK J. MORGAN AND TAMMY S. MORGAN V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 16, 2010, Claimants 2010 Cadillac Escalade struck a hole in the roadway of Johnson Avenue in Bridgeport in Harrison County. Respondent is responsible for the maintenance of Johnson Avenue which it failed to maintain properly on the date of this incident. As a result, Claimants vehicle sustained damage to its tires and rims in the amount of \$378.21. Claimants' insurance deductible was \$500.00 at the time of the incident. Respondent agrees that the amount of \$378.21 for the damages put forth by the Claimants is fair and reasonable.

AMOUNT CLAIMED: \$378.21

AMOUNT AWARDED: \$378.21

CC-10-0667 MILDRED MULLINS V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 4, 2010, Claimant's 1995 Pontiac Firebird struck a hole in the road on Winfrey Lane in Princeton, Mercer County. Respondent is responsible for the maintenance of Winfrey Lane which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage to two tires, two rims, ball joints and a control arm in the amount of \$1,058.22. Claimant had liability insurance only. Respondent agrees that the amount of \$1,058.22 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$1,058.22

AMOUNT AWARDED: \$1,058.22

CC-11-0300 RUSSELL KEITH MYERS V. DIVISION OF HIGHWAYS

_____ The parties stipulated as follows: On March 6, 2011, the Claimant, Russell Keith Myers, was traveling on Interstate 79 near Weston, Lewis County when his 1997 W900 Kenworth 2005 Transcraft Trailer struck a large hole at 99 mile marker, causing damage to the Claimant's step to enter the cab of the truck, the fuel tank and one wheel. Respondent was responsible for the maintenance of Interstate 79, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$4,018.84. Claimant's insurance requires a \$1,000.00 deductible; therefore, an award is limited to that amount. The amount of \$1,000.00 is fair and reasonable.

AMOUNT CLAIMED: \$4,018.84

AMOUNT AWARDED: \$1,000.00

CC-09-0486 TED S. NANCE V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 28, 2009, Claimant's 2003 Chevrolet Silverado struck sign that was leaning three feet into the road on County Route 43, locally designated Ashton Upland Road, in Ashton, Mason County. Respondent is responsible for the maintenance of County Route 43 which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained body damage to the passenger side of the vehicle in the amount of \$2,469.41. Claimant had liability insurance only. Respondent agrees that the amount of \$2,469.41 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$2,469.41

AMOUNT AWARDED: \$2,469.41

CC-09-0208 JAMES NINEHOUSER V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On April 8, 2009, Claimant's 2005 Toyota Corolla struck a hole a bridge on Route 98 in Harrison County, when a metal plate over the hole was not secured properly. Respondent is responsible for the maintenance of Route 98 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 \$1,516.21. Claimant's insurance deductible was \$250.00 at the time of the incident.

AMOUNT CLAIMED: \$1,516.21

AMOUNT AWARDED: \$250.00

CC-11-0383 MISTY NUZUM V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On April 29, 2011, Claimant's 2001 Hyundai Elantra struck a hole in the road on County Route 84, locally designated Tom Moran Lane, near Fairmont, Marion County. Respondent is responsible for the maintenance of County Route 84 which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage to the right front tire and rim in the amount of \$230.00. Claimant had liability insurance only at the time of the incident. Respondent agrees that the amount of \$230.00 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$230.00

AMOUNT AWARDED: \$230.00

CC-10-0642 SUSAN OWENS V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On October 23, 2010, the Claimant, Susan Owens, was traveling northbound along Interstate 64 on the new bridge located near Charleston, Kanawha County, when her 2005 Kia Spectra struck a large bump in the travel portion of the ramp. Respondent was responsible for the maintenance of the bridge along Interstate 64, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$647.06. However, the Claimant's automobile insurance requires a \$500.00 deduction; therefore, the Claimant's award is limited to \$500.00. The amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$647.06

AMOUNT AWARDED: \$500.00

CC-10-0239 CYNTHIA PARSONS AND TIMOTHY PARSONS V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 1, 2010, Claimants 1999 Audi A4 struck a hole in the roadway of Edens Fork in Jackson County. Respondent is responsible for the maintenance of Edens Fork which it failed to maintain properly on the date of this incident. As a result, Claimants' vehicle sustained damage to a tire in the amount of \$476.16. Claimants have liability insurance only. Respondent agrees that the amount of \$476.16 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$476.16

AMOUNT AWARDED: \$476.16

CC-10-0001 DEREK PARSONS V. DIVISION OF HIGHWAYS

_____ The parties stipulated as follows: On December 22, 2009, Claimant's 1999 Oldsmobile Cutlass struck a hole in the road on WV Route 62, locally designated Mason Street, in Clifton, 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 to two tires and wheels in the amount of \$1,566.18. Claimant had liability insurance only. Respondent agrees that the amount of \$1,566.18 put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$1,566.18

AMOUNT AWARDED: \$1,566.18

CC-09-0607 VIRGINIA PERRINE V. DIVISION OF HIGHWAYS

_____ The parties stipulated as follows: On October 20, 2009, Claimant's 1995 BMW 325I struck a hole in the road on WV Route 10, locally designated Hal Greer Boulevard, in Huntington, 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 to two tires and wheels in the amount of \$1,506.95. Claimant had liability insurance only. Respondent agrees that the amount of \$1,506.95 put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$1,506.95

AMOUNT AWARDED: \$1,506.95

CC-11-0206 JOSEPH M. PETERSON V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 12, 2011, the Claimant, Joseph M. Peterson, was traveling along the W. Va. Route 214 near Alum Creek, Kanawha County, when his 2003 Mercury Sable struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 214, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$568.37. The Claimant carried liability insurance at the time of the incident. The Respondent agrees that the amount of \$568.37 is fair and reasonable.

AMOUNT CLAIMED: \$568.37

AMOUNT AWARDED: \$568.37

CC-10-0672 JOSHUA POLAN V. DIVISION OF HIGHWAYS

_____ Claimant brought this action for vehicle damage which occurred while he was driving his 2006 Acura TSX. Claimant's vehicle struck a large hole while traveling along County Route 47 near West Liberty, Ohio County. The Court is of the opinion that Respondent had, at the least, constructive notice of the hole along the side of County Route 47. The size of the hole on this narrow road leads the Court to conclude that Respondent was negligent. Thus, Claimant may make a recovery for the damage to his vehicle.

AMOUNT CLAIMED: \$776.10

AMOUNT AWARDED: \$500.00

CC-05-0284 MARY JANE PRICE V. DIVISION OF HIGHWAYS

_____ The parties stipulated as follows: On or about June 20, 2003, Mary Jane Price was operating her motor vehicle within the scope of her employment with a third-party employer on WV Route 16 in Wyoming County, when her vehicle encountered standing water, hydroplaned, and struck an oncoming coal truck. Respondent is responsible for the maintenance of WV Route 16 and the culvert appurtenant thereto in Wyoming County. As a direct and proximate result of the collision, Claimant sustained injuries to her face, torso, and leg, requiring surgery. Claimant's health care costs related to the collision were paid by West Virginia Workers' Compensation. Claimant alleges that Respondent was negligent in its maintenance of the culvert that allowed water to flow onto WV Route 16. Claimant initiated a civil action in the Circuit Court of Wyoming County against Riverside Energy Company, LLC, and Respondent for the alleged negligent maintenance of WV Route 16 and the culvert appurtenant thereto. The Circuit Court of Wyoming County determined that it lacked subject matter jurisdiction over Respondent and dismissed the action against Respondent. Thereafter, Claimant entered into a confidential settlement with Riverside Energy Company, LLC, and the civil action was dismissed with prejudice. After the dismissal of the civil action, Claimant initiated this claim before this Court. Based on the parties' investigation into this matter and in consideration of Claimant's prior confidential settlement with Riverside Energy Company, the parties to this claim agree that the total sum of Five Thousand Dollars (\$5,000.00) to be paid by Respondent to Claimant will be full and complete settlement of this claim.

AMOUNT CLAIMED: \$5,000.00

AMOUNT AWARDED: \$5,000.00

CC-11-0089 COURTNEY PRIDE V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 8, 2011, the Claimant, Courtney Pride, was traveling northbound on Interstate 79 in Monongalia County when her 2007 Subaru Legacy struck a large hole, causing both the front and the rear side passenger tires to rupture. Respondent was responsible for the maintenance of Interstate 79, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$234.27. The amount of \$234.27 is fair and reasonable.

AMOUNT CLAIMED: \$234.27

AMOUNT AWARDED: \$234.27

CC-10-0650 BILLIE JO PYLES V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred while she was driving her 2003 Subaru Baja over a wooden bridge. Claimant struck a nail while traveling along Plum Road, designated as County Route 68/5 near Tunnelton, Preston County. The Court is of the opinion that Respondent had, at the least, constructive notice of the conditions of the wooden bridge where Claimant's vehicle incurred damage from a nail. The deteriorated condition of the bridge deck presented a hazard to the traveling public. Given the serious state of disrepair and the length of time the bridge had been there, Respondent should have known about the deteriorating condition.

AMOUNT CLAIMED: \$124.02

AMOUNT AWARDED: \$124.02

CC-11-0320 KAREN RATCLIFFE AND KIT RATCLIFFE V. DIVISION OF HIGHWAYS

_____ Claimants brought this action for vehicle damage which occurred while their daughter was driving their 2002 Ford Escort. Claimants' vehicle struck a massive hole while traveling east along Interstate 70 near Triadelphia, Ohio County. The Court is of the opinion that Respondent had, at the least, constructive notice of the large hole and that the condition of the road presented a hazard to the traveling public.

AMOUNT CLAIMED: \$4,813.00

AMOUNT AWARDED: \$4,318.00

CC-07-0312 CHRISTOPHER RIFFE V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On or around October 14, 2005, Christopher Riffe was a guest passenger in a motor vehicle being driven by Jeffrey Lane north on U.S. Route 52 in or near Hanover in Wyoming County. Respondent was responsible for the maintenance of U.S. Route 52 in or near Hanover in Wyoming County, which it failed to maintain properly on the date of this incident. While Mr. Lane was operating his vehicle in or near Hanover, he lost control of the vehicle which traveled off the road onto the berm, returned to the road and then collided with a vehicle traveling south on U.S. Route 52. Claimant alleges that on the day of Mr. Lane's accident, the berm at the location where the accident occurred on U.S. Route 52 was in a defective condition, that the defective condition of the berm caused or contributed to Mr. Lane's accident and that Respondent either knew or should have known of the condition of the berm at that location. Under the specific facts and circumstances of this claim and for purposes of settlement of said claim, Respondent does not dispute the allegations. Christopher Riffe was injured as a result of the accident and required medical treatment for his injuries. Both Claimant and Respondent believe that in this particular incident and under these particular circumstances that an award of One Hundred Sixty-Five Thousand Dollars (\$165,000.00) would be a fair and reasonable amount to settle this claim. The parties to the claim agree that the total sum of One Hundred Sixty-Five Thousand Dollars (\$165,000.00) is to be paid to Claimant and will be a complete settlement of all matters in controversy in this claim and full and complete satisfaction of any and all past and future claims Claimant may have against Respondent arising from the matters described.

AMOUNT CLAIMED:

AMOUNT AWARDED: \$165,000.00

CC-07-0313 ELISHA RIFFE V. DIVISION OF HIGHWAYS

_____ The parties stipulated as follows: Elisha Riffe's claim is a companion claim to the personal injury claim filed by her husband, Christopher Riffe, in this Court (CC-07-0312). In Christopher Riffe's claim, Respondent and Mr. Riffe have agreed to a settlement and resolution of his personal injury claim arising out of an automobile accident that occurred on October 14, 2005. Christopher Riffe was the husband of Elisha Riffe at the time of the automobile accident involving Mr. Riffe. Elisha Riffe alleges in her companion claim to Christopher Riffe's case that she suffered a loss of spousal consortium as a result of the injuries suffered by Christopher Riffe in the accident that

occurred on October 14, 2005. Under the specific facts and circumstances of this claim and for purposes of settlement of said claim, Respondent does not dispute the allegations contained in Paragraph 4 of this Opinion. Both Claimant and Respondent believe that in this particular incident and under these particular circumstances that an award of Nine Thousand Dollars (\$9,000.00) would be a fair and reasonable amount to settle this claim. The parties to this claim agree that the total sum of Nine Thousand Dollars (\$9,000.00) is to be paid by Respondent to Claimant and will be full and complete settlement of all matters in controversy in this claim and full and complete satisfaction of any and all past and future claims Claimant may have against Respondent arising from the matters described in this claim.

AMOUNT CLAIMED: \$9,000.00

AMOUNT AWARDED: \$9,000.00

CC-11-0029 RACHEL S. RINEHART AND MARK W. RINEHART V. DIVISION OF HIGHWAYS

_____ Claimant brought this action for vehicle damage which occurred when their 2002 Ford Escape struck a patch of ice and slid into an embankment on County Route 106 near Terra Alto, Preston County. The Court finds Claimant negligent for twenty-five percent (25%) of her damages.

AMOUNT CLAIMED: \$982.00

AMOUNT AWARDED: \$375.00

CC-11-0381 SHIRLEY ROBERTS V. DIVISION OF HIGHWAYS

_____ The parties stipulated as follows: On April 22, 2011, Claimant's 2004 Saturn Ion 3 struck a hole in the road on County Route 1, locally designated Buffalo Road, near Mannington, Marion County. Respondent is responsible for the maintenance of County Route 1 which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage to the front tire and rim in the amount of \$148.40. Claimant had a \$500.00 insurance deductible at the time of the incident. Respondent agrees that the amount of \$148.40 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$148.40

AMOUNT AWARDED: \$148.40

CC-10-0426 CHERYL S. ROLLINS V. DIVISION OF HIGHWAYS

_____ The parties stipulated as follows: On May 26, 2010, Claimant's 2003 Buick Century struck a hole in the roadway of Route 21 in Kanawha County. Respondent is responsible for the maintenance of Route 21 which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage to a tire in the amount of \$538.94. Claimant's insurance deductible was \$500.00. Respondent agrees that the amount of \$538.94 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$538.94

AMOUNT AWARDED: \$500.00

CC-09-0476 BEVERLY SANDERS V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On July 23, 2009, Claimant's 2002 Pontiac Grand Am struck a hole in the road on I-64 West near Teays Valley, Putnam County. 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 to the passenger side wheels and tires in the amount of \$1,428.71. Claimant's insurance deductible was \$1,000.00. Respondent agrees that the amount of \$1,000.00 for the deductible put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$1,428.71

AMOUNT AWARDED: \$1,000.00

CC-11-0349 CHRISTI A. SCHROYER V. DIVISION OF HIGHWAYS

_____ Claimant brought this action for vehicle damage which occurred while she was driving her 2010 Subaru Impreza. Claimant struck a large hole while traveling along Custer Hollow Road near the entrance to the FBI Complex in Harrison County. The Court is of the opinion that Respondent had, at the least, constructive notice of the hole which Claimant's vehicle struck. Thus, the Respondent was negligent.

AMOUNT CLAIMED: \$876.37

AMOUNT AWARDED: \$500.00

CC-11-0406 TAMMY J. SCOTT V. DIVISION OF HIGHWAYS

_____ The parties stipulated as follows: On May 9, 2011, and May 12, 2011, the Claimant, Tammy J. Scott, was traveling along U.S. Route 250 near Cameron, Marshall County, when her 2009 Chevrolet Cobalt struck a large hole in the travel portion of the road causing damage to the right front passenger wheel. Respondent was responsible for the maintenance of U.S. Route 250, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$91.16. The amount of \$91.16 is fair and reasonable.

AMOUNT CLAIMED: \$91.16

AMOUNT AWARDED: \$91.16

CC-11-0216 JOHN HOUCK AND KATHERINE M. SEIBEL V. DIVISION OF HIGHWAYS

_____ Claimant John Houck brought this action for vehicle damage which occurred to Claimant Katherine Seibel's 2003 Dodge Caravan when it struck rocks near the edge of the road on County Route 4/1, locally designated Ben Speck Road, in Hedgesville, Berkeley County. the Court is of the opinion that Respondent had, at the least, constructive notice of the dangerous rocks next to road on County Route 4/1. Since the rocks were located within the Respondent's right-of-way, and dangerously near the edge of a heavily traveled road, creating a hazard to the traveling public, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$158.95

AMOUNT AWARDED: \$158.95

CC-09-0294 DONALD L. SEVIER AND CASSANDRA L. SEVIER V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On April 29, 2009, Claimants 2006 BMW struck a hole in the roadway of Meadland Road in Taylor County. Respondent is responsible for the maintenance of Meadland Road which it failed to maintain properly on the date of this incident. As a result, Claimants' vehicle sustained damage to its tires and rims in the amount of \$1,607.61. Claimants' insurance deductible was \$1,000.00 at the time of the incident. Respondent agrees that the amount of \$1,000.00 for the damages put forth by the Claimants is fair and reasonable.

AMOUNT CLAIMED: \$1,607.61

AMOUNT AWARDED: \$1,000.00

CC-10-0683 THOMAS V. SHEPPARD V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 27, 2010, Claimant's 2010 Dodge Ram struck a hole in the roadway of Upper Falls Road in Kanawha County. Respondent is responsible for the maintenance of Upper Falls Road which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage to a tire in the amount of \$606.85. Claimant's insurance deductible was \$500.00. Respondent agrees that the amount of \$500.00 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$606.85

AMOUNT AWARDED: \$500.00

CC-09-0606 DAVID A. SIDIROPOLIS V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 5, 2009, the Claimant, David A. Sidiropolis, was traveling along the Fort Henry Bridge Exit 0 near Wheeling, Ohio County, when his 2006 Cadillac STS struck a large hole in the travel portion of the ramp. Respondent was responsible for the maintenance of Exit 0, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$1,025.44. However, the Claimant's insurance requires a \$500.00 deduction; therefore, the Claimant's award is limited to \$500.00. The amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$1,025.44

AMOUNT AWARDED: \$500.00

CC-11-0165 WILBURN SINER V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On February 15, 2011, Claimant's 2009 Suzuki SX4 struck a hole in the roadway of Route 19 in Mercer County. Respondent is responsible for the maintenance of Route 19, 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 \$636.45. Claimant's insurance deductible was \$500.00 at the time of the incident. Respondent agrees that the amount of \$500.00 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$636.45

AMOUNT AWARDED: \$500.00

CC-10-0455 M.E. WALKER AND MEGAN WALKER SMITH V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 19, 2010, Claimants' 2006 Honda CRV encountered a rock fall in the roadway of Route 20 near Hinton in Summers County. Respondent is responsible for the maintenance of Route 20 which it failed to maintain properly on the date of this incident. As a result, Claimants' vehicle sustained damage to its windshield, hood, grill and tires in the amount of \$1,000.00. Claimants insurance deductible was \$1,000. 00 at the time of the incident. Respondent agrees that the amount of \$1,000.00 for the damages put forth by the Claimants is fair and reasonable.

AMOUNT CLAIMED: \$1,000.00

AMOUNT AWARDED: \$1,000.00

CC-11-0515 MICHAEL A. SMITH V. DIVISION OF HIGHWAYS

_____ Claimant brought this action for vehicle damage, which occurred while he was driving his 2007 Dodge Ram 1500. Claimant's vehicle struck a large hole while he was traveling along Old W. Va. Route 53, just off of W. Va. Route 100 approximately two-tenths of a mile past the railroad track near Maidsville, Monongalia County. The Court is of the opinion that Respondent had, at the least, constructive notice of the hole. This leads the Court to conclude that Respondent was negligent. Thus, Claimant may make a recovery for the damage to his vehicle.

AMOUNT CLAIMED: \$1,046.12

AMOUNT AWARDED: \$1,046.12

CC-10-0515 SANDRA K. SMOLDER V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 25, 2010, Claimant's 2009 Volkswagon Jetta struck a hole in the roadway of Kentuck Road in Jackson County. Respondent is responsible for the maintenance of Kentuck Road which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage to a tire in the amount of \$1,767.00. Claimant's insurance deductible was \$1,000.00. Respondent agrees that the amount of \$1,000.00 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$1,000.00

AMOUNT AWARDED: \$1,000.00

CC-10-0356 ERIC SPATAFORE V. DIVISION OF HIGHWAYS

_____ The parties stipulated as follows: On May 10, 2010, Claimant's 2009 Honda Accord struck a hole in the roadway of Darrison Run Road in Harrison County. Respondent is responsible for the maintenance of Darrison Run 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 \$782.92. Claimant's insurance deductible was \$300.00 at the time of the incident. Respondent agrees that the amount of \$300.00 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$782.92

AMOUNT AWARDED: \$300.00

CC-10-0343 DARRELL SPURLOCK V. DIVISION OF HIGHWAYS

_____ Claimant brought this action for vehicle damage which occurred when his 2003 Harley Davidson motorcycle struck a hole on Hunter Road in Charleston, Kanawha County. The Court is of the opinion that Respondent had, at the least, constructive notice of the condition on Hunter Road. Since a large defect in the pavement on a one-lane road created a hazard to the traveling public, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$871.22

AMOUNT AWARDED: \$250.00

CC-09-0487 REBECCA STATEN V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 12, 2009, Claimant's 2005 Pontiac Grand Am struck a hole in the roadway of Route 60 East near Lewisburg, in Greenbrier County. Respondent is responsible for the maintenance of Route 60 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 \$984.00 Claimant's insurance deductible was \$500.00 at the time of the incident. Respondent agrees that the amount of \$500.00 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$984.00

AMOUNT AWARDED: \$500.00

CC-08-0527 CARL STEIN V. DIVISION OF HIGHWAYS

_____ The parties stipulated as follows: Respondent is responsible for the maintenance of the roadway on West Virginia Route 119/28 at the Mount Gay Railroad Underpass in Logan County, West Virginia. A railroad crossing owned and maintained by CSX Railroad is located above the Roadway. The Claimant is a commercial truck driver who resides in Texas. On July 3, 2008, the Claimant was operating a tractor trailer southbound on W.Va. Route 119/28 at approximately 4:40 a.m. The Claimant had not previously traveled on this route. While operating his tractor trailer, the Claimant encountered a blinding light from an oncoming vehicle. No signs were present to warn motorists of the underpass. Claimant's tractor trailer struck the Underpass and became lodged between the roadway and the Underpass. Claimant's trailer sustained significant damage. Claimant reports that he was injured when the force of the collision caused his chest to strike the truck's steering wheel. As a result of the Claimant's reported injuries, he underwent various surgeries. He received medical treatment valued in excess of \$66,000.00. Further, the Social Security Administration determined that the collision resulted in the claimant becoming permanently disabled. The Claimant's projected future lost wages exceed \$175,000.00. Claimant alleges that Respondent's failure to place a warning sign at the Underpass proximately caused and/or contributed to Claimant's injuries and permanent disability. The Respondent alleges that the blinding light from the oncoming vehicle caused and/or contributed to Claimant's injuries and permanent disability.

AMOUNT CLAIMED:

AMOUNT AWARDED: \$130,000.00

CC-11-0071 NATASHA STEPHENS AND ANTHONY P. STEPHENS V. DIVISION OF HIGHWAYS

Claimant Natasha Stephens brought this action for vehicle damage, which occurred while she was driving her 2001 Chrysler PT Cruiser. Claimant struck a series of holes while traveling along Camden Avenue, designated as W. Va. Route 95 near Parkersburg, Wood County. The Court is of the opinion that Respondent had, at the least, constructive notice of the holes which Claimants' vehicle struck, and that hole presented a hazard to the traveling public. The size of the holes and their location on the travel portion of the road leads the Court to conclude that Respondent was negligent. Thus, Claimants may make a recovery for the damage to their vehicle.

AMOUNT CLAIMED: \$675.54

AMOUNT AWARDED: \$675.54

CC-09-0329 SAMUEL S. STEWART AND GERTRUDE STEWART V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2007 Hyundai Sonata struck a hole in the road on US Route 60 East in Huntington, Cabell County. The Court is of the opinion that Respondent had, at the least, constructive notice of the hole on US Route 60. Since a hole in the travel portion of a heavily travel road created a hazard to the traveling public, the Court finds Respondent negligent.

AMOUNT CLAIMED: \$570.13

AMOUNT AWARDED: \$500.00

CC-10-0617 TIMOTHY SULLIVAN AND REBECCA A. SULLIVAN V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 29, 2010, Claimants' 2007 Subaru Impreza struck a drop-off in the roadway of Old Crow Road in Raleigh County. Respondent is responsible for the maintenance of Old Crow Road which it failed to maintain properly on the date of this incident. As a result, Claimants' vehicle sustained damage to its tires and rims in the amount of \$1,000.00. Claimants' insurance deductible was \$1,000.00 at the time of the incident. Respondent agrees that the amount of \$1,000.00 for the damages put forth by the Claimants is fair and reasonable.

AMOUNT CLAIMED: \$1,000.00

AMOUNT AWARDED: \$1,000.00

CC-11-0327 CHARLES SWIGER AND SANDRA SWIGER V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 10, 2011, Claimants' 1996 Plymouth Voyager struck a hole in the road on Wilsonburg Road near O'Neill, Harrison County. Respondent is responsible for the maintenance of Wilsonburg Road, which it failed to maintain properly on the date of this incident. As a result, Claimants' vehicle sustained damage to the drive shaft in the amount of \$431.76. Claimants' had liability insurance only. Respondent agrees that the amount of \$431.76 for the Claimants' damages is fair and reasonable.

AMOUNT CLAIMED: \$431.76

AMOUNT AWARDED: \$431.76

CC-11-0061 SAMUEL THOMAS V. DIVISION OF HIGHWAYS

The parties stipulated as follows: In January 2011, Claimant's 2011 Hyundai Sonata struck a hole in the roadway of Kanawha Boulevard in Charleston, Kanawha County. Respondent is responsible for the maintenance of Kanawha Boulevard at its intersection with Greenbrier Street which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage to its tires in the amount of \$161.45. Respondent agrees that the amount of \$161.45 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$161.45

AMOUNT AWARDED: \$161.45

CC-10-0160 CHARLES L. TURNER JR. V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred while he was driving his 1997 Saturn SW2. Claimant's vehicle struck a large hole while traveling along W. Va. Route 2 near Moundsville, Marshall County. The Court is of the opinion that Respondent had, at the least, constructive notice of the hole that caused damage to Claimant's vehicle. Given the apparent size of the hole and its location on the main travel portion of a heavily traveled road leads the Court to conclude that Respondent was negligent.

AMOUNT CLAIMED: \$1,800.00

AMOUNT AWARDED: \$1,800.00

CC-11-0311 JONATHAN BURSON AND DONNA VAUGHAN V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage, which occurred while he was driving his 2011 Kia Rio between the dates of March 10, 2011 and March 14, 2011, along W. Va. Route 218 near Carolina and Idamay, Marion County. The Court is of the opinion that Respondent had notice in this instance. Thus, Respondent was negligent.

AMOUNT CLAIMED: \$972.83

AMOUNT AWARDED: \$972.83

CC-11-0285 RONALD HAMBRICK AND LINDA VINEYARD V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage, which occurred while claimant Ronald Hambrick was driving his 2002 Toyota Avalon. Claimants' vehicle struck a large bump while traveling along W. Va. Route 31 near Deerwalk, Wood County. The Court is of the opinion that Respondent had, at the least, constructive notice of the improperly placed sign, and that the deep depression in the road presented a hazard to the traveling public. The size of the depression and its location on the travel portion of the road leads the Court to conclude that Respondent was negligent.

AMOUNT CLAIMED: \$269.00

AMOUNT AWARDED: \$269.00

CC-10-0619 DENNIS L. WARD AND TERRI WARD V. DIVISION OF HIGHWAYS

_____ Claimants brought this action for vehicle damage which occurred while they were traveling in their 2002 Cadillac Deville. Claimants' vehicle struck a deep hole when Claimant Dennis L. Ward was driving their vehicle on County Route 21 near Moundsville, Marshall County. The Court is of the opinion that Respondent had, at the least, constructive notice of the conditions along County Route 21.

The frequency and severity of the holes along the roadway should have been obvious to Respondent. Thus, Claimants may make a recovery for the damage to their vehicle.

AMOUNT CLAIMED: \$1,144.70

AMOUNT AWARDED: \$250.00

CC-11-0289 PAMELA WEHLER V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On April 19, 2011, Claimant's 2007 Chevrolet Cobalt struck a hole in the road on Summit Park Avenue near Clarksburg, Harrison County. Respondent is responsible for the maintenance of Summit Park Avenue 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 \$616.34. Claimant's insurance deductible was \$500.00 at the time of the incident. Respondent agrees that the amount of \$500.00 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$616.34

AMOUNT AWARDED: \$500.00

CC-11-0065 SHARON K. WHITE V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On January 30, 2011, Claimant's 2010 Pontiac G6 struck a hole in the roadway of Childress Road in Kanawha County. Respondent is responsible for the maintenance of Childress Road which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage to its tires in the amount of \$416.17. Respondent agrees that the amount of \$416.17 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$416.17

AMOUNT AWARDED: \$416.17

CC-11-0123 ANDRE WILKINSON V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On March 9, 2011, the Claimant, Andrew Wilkinson, was traveling along West Washington Street Cross Lanes, Kanawha County, when his 2008 Chevrolet Impala struck a large hole causing damage to the Claimant's front and rear wheels and tires. Respondent was responsible for the maintenance of West Washington Street, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$1,284.67. However, the Claimant's insurance requires a \$500.00 deduction; therefore, the Claimant's award is limited to \$500.00. The amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$1,284.67

AMOUNT AWARDED: \$500.00

CC-10-0412 KAREN J. WILKINSON V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On March 17, 2010, Claimant's 2006 Chevrolet Impala struck a hole in the roadway of Cambell's Creek Drive in Kanawha County. Respondent is responsible for the maintenance of Cambell's Creek Drive which it failed to maintain properly on

the date of this incident. As a result, Claimant's vehicle sustained damage to a tire in the amount of \$604.15. Claimant's insurance deductible was \$250.00. Respondent agrees that the amount of \$250.00 plus the amount for the alignment, \$44.95, which was not covered by Claimant's insurance, for a total amount of \$299.95 as put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$604.15

AMOUNT AWARDED: \$299.95

CC-10-0588 DENISE WILLIAMS V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 20, 2010, Claimant's 2007 Lexus struck a hole in the roadway of Rocky Step Road in Putnam County. Respondent is responsible for the maintenance of Rocky Step Road which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage to a tire in the amount of \$623.51. Claimant's insurance deductible was \$500.00. Respondent agrees that the amount of \$500.00 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$623.51

AMOUNT AWARDED: \$500.00

CC-10-0362 GARY WILLIAMS V. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 02, 2010, Claimant's 2001 Dodge Ram truck struck a piece of concrete in the roadway of Crescent Road near Beckley in Raleigh County. Respondent is responsible for the maintenance of Crescent Road which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage to its tires in the amount of \$601.76. Claimant's insurance deductible was \$500.00 at the time of the incident. Respondent agrees that the amount of \$500.00 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$601.76

AMOUNT AWARDED: \$500.00

CC-11-0362 RUSSELL WILLIAMS V. DIVISION OF HIGHWAYS

_____ The parties stipulated as follows: On May 17, 2011, Claimant's 2003 Hyundai Elantra struck a hole in the road on County Route 34, locally designated Laurel Park Road, near Laurel Valley, Harrison County. Respondent is responsible for the maintenance of County Route 34 which it failed to maintain properly on the date of this incident. As a result, Claimant's vehicle sustained damage to the right front tire in the amount of \$76.52. Claimant had a \$300.00 insurance deductible at the time of the incident. Respondent agrees that the amount of \$76.52 for the damages put forth by the Claimant is fair and reasonable.

AMOUNT CLAIMED: \$76.52

AMOUNT AWARDED: \$76.52

CC-09-0603 TERRY J. WOODSIDE, AS ADMINISTRATOR OF THE ESTATE OF TERRY J. WOODSIDE JR. V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On December 13, 2007, Harrison County and the area near WV Route 131, known as Saltwell Road, experienced a widespread rain and flood event. Water had accumulated on the roadway. Respondent attempted to clear the roadway of accumulated water, but failed to clear completely water from the roadway. Respondent is responsible for the maintenance of WV Route 131 situated near and between Bridgeport and Shinnston, Harrison County. Claimant's decedent was operating a motor vehicle in the northerly direction on WV Route 131 when he came upon accumulated water on the roadway, hydroplaned, and struck a tree. Respondent had been working in the area of the accident earlier in the day and attempted to clear a drain that was not functioning properly and causing the standing water on the road. However, Respondent was unsuccessful in its effort to correct the problem. Claimant alleges that Respondent failed to place a warning sign alerting motorists of high water at the location where Claimant's decedent struck a tree. Respondent alleges that a warning sign was placed at the southern entrance of WV Route 131 near Bridgeport, Harrison County, just off I-79. Respondent received various communications throughout the day regarding water in the area and on the roadway. Claimant estimates that the Claimant has sustained economic losses in excess of One Million dollars (\$1,000,000.00) due to the decedent's death. Based on the parties' investigation, the parties to this claim agree that the total sum of Two Hundred Fifty Thousand dollars (\$250,000.00) to be paid by Respondent to Terry J. Woodside, Sr., as Administrator of the Estate of Terry J. Woodside, Jr., Deceased, will be a full and complete settlement of this claim.

AMOUNT CLAIMED: \$1,000,000.00

AMOUNT AWARDED: \$250,000.00

CC-09-0599 HOWARD WRENN AND SANDRA BELCHER, AS NATURAL PARENTS AND CO-ADMINISTRATORS OF THE ESTATE OF MATHEW WRENN V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On November 26, 2007, the Claimants' decedent, Matthew Wrenn, was operating a motor vehicle on County Route 35/1, designated Devil's Fork Road, when the decedent's vehicle left the roadway at or near mile post 0.87. Respondent is responsible for the maintenance of County Route 35/1, situated in Raleigh and Wyoming Counties, and a low-water crossing on said roadway ("roadway"). At the time of the incident there were no posted signs, markings, or guardrails to warn or protect motorists on the roadway. As a result of the Claimants' decedent leaving the Roadway, the decedent died. The roadway is the location of reported prior fatalities and accidents. The Claimants estimate that they have sustained economic losses in excess of One Million dollars (\$1,000,000.00) due to decedent's death. Based on the parties' investigation, the parties to this claim agree that the total sum of Three Hundred Fifty-Five Thousand dollars (\$355,000.00) to be paid by Respondent to Howard Wrenn and Sandra Belcher, as Natural Parents and Co-Administrators of the Estate of Matthew Wrenn, will be a full and complete settlement of all claims between the parties.

AMOUNT CLAIMED: \$1,000,000.00

AMOUNT AWARDED: \$355,000.00

CC-09-0322 JOYCE YIRBERG V. DIVISION OF HIGHWAYS

Claimant brought this action for the loss of a Border Collie, which she alleges occurred as a result of Respondent's negligent maintenance of a boundary fence located along Interstate 64. Claimant's residence, located at 584 Fairwood Road, in Huntington, Cabell County, abuts Respondent's boundary fence. The Court is of the opinion to make an award to Claimant in the amount of \$3,175.00 reduced by Claimant's comparative negligence which the Court determined to be thirty percent (30%) for an award of \$2,222.50.

AMOUNT CLAIMED: \$3,475.00

AMOUNT AWARDED: \$2,222.50

CC-10-0370 JENNIFER ISABELL AND MATTHEW ALLEN ZICKAFOOSE, AS ADMINISTRATOR OF THE ESTATE OF ANDREW ZICKAFOOSE V. DIVISION OF HIGHWAYS

_____The parties stipulated as follows: On March 30, 2010, a 2009 Pontiac G6, a vehicle belonging to Andrew Zickafoose, now deceased, and being driven by Claimant Jennifer Isabell, struck a hole in the roadway of Route 60 in Montgomery. Respondent is responsible for the maintenance of Route 60 which it failed to maintain properly on the date of this incident. As a result, the vehicle sustained damage to a tire in the amount of \$762.95. The insurance deductible in place at that time was \$500.00. Respondent agrees that the amount of \$500.00 for the damages put forth by the Claimants is fair and reasonable.

AMOUNT CLAIMED: \$762.95

AMOUNT AWARDED: \$500.00

CLAIMS AGAINST THE DIVISION OF TOURISM

CC-10-0600 TEMPORARY EMPLOYMENT SERVICES INC. V. DIVISION OF TOURISM

This claim was submitted for decision based upon the allegations in the Notice of Claim and Respondent's Answer. Claimant seeks to recover \$474.15 in unpaid wages from Respondent.

In its Answer, Respondent admits the validity of the claim as well as the amount, and states that Claimant was indeed not paid for 27 1/4 hours of work performed for which Claimant should have been.

AMOUNT CLAIMED: \$474.15

AMOUNT AWARDED: \$474.15

CC-10-0051 TEMPORARY EMPLOYMENT SERVICES INC. V. DIVISION OF TOURISM

Claimant seeks to recover \$452.82 for services rendered to Respondent and documented by two unpaid invoices for \$370.00 and \$82.80. In its Answer, Respondent admits the validity of the claim as well as the amount with respect to the services rendered in the sum of \$370.00, and states that there were sufficient funds expired in that appropriate fiscal year from which the invoice could have been paid. Respondent denies the claim with respect to the remaining \$82.80. Claimant has agreed to waive its claim for the remaining \$82.80.

AMOUNT CLAIMED: \$474.15

AMOUNT AWARDED: \$474.15

CLAIMS AGAINST INSURANCE COMMISSION

CC-11-0085 GREENBROOKE ASSOCIATES LLC. V. INSURANCE COMMISSION

Claimant seeks to recover \$388,488.51 from Respondents for real property taxes assessed and paid by Claimant for the years 2005, 2006, 2007, and 2008, during which time Respondents were contractually obligated to pay their portion of ad valorem taxes based upon their proportionate occupancy of Claimant's building. The Tax Department owes the Claimant \$119,461.89 for the years 2005, 2006, 2007, and 2008. The Insurance Commission owes the Claimant \$269,026.62 for the years 2005, 2006, 2007, and 2008. In their Answers, Respondents admit the validity of the claim as well as the amounts with respect to the property taxes paid in the total sum of \$388,488.51

AMOUNT CLAIMED: \$388,488.51

AMOUNT AWARDED: \$269,026.62

CLAIMS AGAINST REGIONAL JAIL AUTHORITY

CC-08-0481 MARY BALMER-GAGE V. REGIONAL JAIL AUTHORITY

_____ Claimant Mary Balmer-Gage brought this claim to recover the value of a wedding ring and engagement ring that she alleges were lost by the Respondent. The Court finds that Respondent was responsible for safeguarding Claimant's property while she was confined and failed to take appropriate actions to do so. Therefore, the Court is of the opinion to make an award to the Claimant for the purchase price of her wedding rings in the amount of \$1,571.00.

AMOUNT CLAIMED: \$2,245.00

AMOUNT AWARDED: \$1,571.00

CC-10-0674 CHARLES L. CHIPLEY JR. V. REGIONAL JAIL AUTHORITY

_____ Claimant, an inmate at Eastern Regional Jail at the time of the incident, seeks to recover \$51.12 for books that were never transferred to him. In its Answer, Respondent admits the validity of the claim and that the amount is fair and reasonable. The Court is aware that Respondent does not have a fiscal method for paying claims of this nature; therefore, the claim has been submitted to this Court for determination.

AMOUNT CLAIMED: \$51.12

AMOUNT AWARDED: \$51.12

CC-10-0469 JAMES A. CLEMENS AND MARY F. CLEMENS V. REGIONAL JAIL AUTHORITY

_____ Claimant, an inmate at North Central Regional Jail at the time of the incident, seeks to recover \$87.00 for lost prescription glasses that were not returned to him and an additional \$87.00 for the pair purchased originally. In its Answer, Respondent admits the validity of the claim for one pair of eye glasses and that the amount of \$87.00 is fair and reasonable. The Court is aware that Respondent does not have a fiscal method for paying claims of this nature; therefore, the claim has been submitted to this Court for determination.

AMOUNT CLAIMED: \$174.00

AMOUNT AWARDED: \$87.00

CC-11-0048 BRENT M. COMBS V. REGIONAL JAIL AUTHORITY

_____ Claimant, an inmate at Potomac Highlands Regional Jail at the time of the incident, seeks to recover \$15.45 for a book that was taken from his possession and never returned to him or placed with his personal property. In its Answer, Respondent admits the validity of the claim and that the amount is fair and reasonable.

AMOUNT CLAIMED: \$15.45

AMOUNT AWARDED: \$15.45

CC-11-0242 RONALD D. DEULEY V. REGIONAL JAIL AUTHORITY

_____ Claimant, an inmate at Tygart Valley Regional Jail at the time, seeks to recover \$535.00 for certain articles of clothing that were confiscated by Respondent and never returned to him. In its Answer, Respondent admits the validity of the claim as well as the amount.

AMOUNT CLAIMED: \$535.00

AMOUNT AWARDED: \$535.00

CC-10-0559 SHANE ELKINS V. REGIONAL JAIL AUTHORITY

Claimant, an inmate at West Regional Jail at the time of the incident, seeks to recover \$250.00 for contact lenses that were never returned to him. In its Answer, Respondent admits the validity of the claim and that the amount is fair and reasonable. The Court is aware that Respondent does not have a fiscal method for paying claims of this nature; therefore, the claim has been submitted to this Court for determination.

AMOUNT CLAIMED: \$250.00

AMOUNT AWARDED: \$250.00

CC-10-0604 NED CROUCH AND RENEE HENLINE V. REGIONAL JAIL AUTHORITY

Claimant Ned Crouch, an inmate at South Central Regional Jail at the time of the incident, seeks to recover \$17.13 for a book that was mailed to South Central Regional Jail, but was never received by him. In its Answer, Respondent admits the validity of the claim in the amount of \$11.04, instead of \$17.13. Claimants have agreed to accept an award in the amount of \$11.04.

AMOUNT CLAIMED: \$17.13

AMOUNT AWARDED: \$11.04

CC-11-0049 JASON ALLEN HENSLEY V. REGIONAL JAIL AUTHORITY

Claimant, an inmate at West Regional Jail at the time of the incident, seeks to recover \$140.00 for articles of clothing that were never returned to him. In its Answer, Respondent admits the validity of the claim and that the amount is fair and reasonable. The Court is aware that Respondent does not have a fiscal method for paying claims of this nature; therefore, the claim has been submitted to this Court for determination.

AMOUNT CLAIMED: \$140.00

AMOUNT AWARDED: \$140.00

CC-11-0013 JEFFREY KING V. REGIONAL JAIL AUTHORITY

Claimant, an inmate at Potomac Highlands Regional Jail at the time of the incident, seeks to recover \$24.14 for items of clothing that were confiscated by Respondent and never returned to him. In its Answer, Respondent admits the validity of the claim and that the amount is fair and reasonable.

AMOUNT CLAIMED: \$24.14

AMOUNT AWARDED: \$24.14

CC-10-0693 STACEY A. LONG V. REGIONAL JAIL AUTHORITY

_____ Claimant, an inmate at North Central Regional Jail at the time of the incident, seeks to recover \$95.00 for items of personal property that were confiscated by Respondent and never returned to him. In its Answer, Respondent admits the validity of the claim and that the amount is fair and reasonable.

AMOUNT CLAIMED: \$95.00

AMOUNT AWARDED: \$95.00

CC-11-0394 ROBERT W. MOATS V. REGIONAL JAIL AUTHORITY

Claimant, an inmate at Tygart Valley Regional Jail at the time, seeks to recover \$32.00 for an article of jewelry that was confiscated by Respondent and never returned to him. In its Answer, Respondent admits the validity of the claim as well as the amount.

AMOUNT CLAIMED: \$32.00

AMOUNT AWARDED: \$32.00

CC-11-0603 WILLIAM E. SMITH V. REGIONAL JAIL AUTHORITY

_____ Claimant, an inmate at South Central Regional Jail at the time of the incident, seeks to recover \$299.00 for articles of clothing that were never returned to him. In its Answer, Respondent admits the validity of the claim and that the amount is fair and reasonable. The Court is aware that Respondent does not have a fiscal method for paying claims of this nature; therefore, the claim has been submitted to this Court for determination.

AMOUNT CLAIMED: \$299.00

AMOUNT AWARDED: \$299.00

CC-11-0295 TIMOTHY THORNE V. REGIONAL JAIL AUTHORITY

_____ Claimant, an inmate at North Central Regional Jail at the time of the incident, seeks to recover \$830.00 for articles of clothing and a watch that were never returned to him. In its Answer, Respondent admits the validity of the claim and that the amount is fair and reasonable. The Court is aware that Respondent does not have a fiscal method for paying claims of this nature; therefore, the claim has been submitted to this Court for determination.

AMOUNT CLAIMED: \$830.00

AMOUNT AWARDED: \$830.00

CLAIMS AGAINST STATE FIRE MARSHAL

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

_____ Claimant seeks to recover \$10,238.49 for its portion of state-issued funds for volunteer fire departments operating in good standing. Claimant alleges that Respondent failed to make a timely report to the State Treasurer indicating that Claimant was in good standing and that this failure kept Claimant from receiving funds for the second quarter of 2011. In its Answer, Respondent admits the validity of the claim as it was timely filed, and Respondent further agrees to the amount with respect to the funds not dispersed, and states that there were sufficient funds expired in that appropriate fiscal year from which the invoice could have been paid.

AMOUNT CLAIMED: \$10,238.49

AMOUNT AWARDED: \$10,238.49

CLAIMS AGAINST TAX DEPARTMENT

CC-11-0085 GREENBROOKE ASSOCIATES LLC. V. TAX DEPARTMENT

_____ Claimant seeks to recover \$388,488.51 from Respondents for real property taxes assessed and paid by Claimant for the years 2005, 2006, 2007, and 2008, during which time Respondents were contractually obligated to pay their portion of ad valorem taxes based upon their proportionate occupancy of Claimant's building. The Tax Department owes the Claimant \$119,461.89 for the years 2005, 2006, 2007, and 2008. The Insurance Commission owes the Claimant \$269,026.62 for the years 2005, 2006, 2007, and 2008. In their Answers, Respondents admit the validity of the claim as well as the amounts with respect to the property taxes paid in the total sum of \$388,488.51, and state that there are no funds remaining in the agencies appropriations from the appropriate fiscal years from which the obligations can be paid. The Respondents, Tax Department and Insurance Commission, admit that \$119,461.89 and \$269,026.62, respectively, is fair and reasonable.

AMOUNT CLAIMED: \$388,488.51

AMOUNT AWARDED: \$119,461.89

CLAIMS AGAINST WEST VIRGINIA STATE SENATE

CC-11-0652 AT&T V. WEST VIRGINIA STATE SENATE

_____ Claimant seeks to recover \$526.23 for telephone calling card services provided to Respondent in prior fiscal years, but for which Claimant has not received payment. In its Answer, Respondent admits the validity of the claim as well as the amount of \$526.23. 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 \$526.23 is fair and reasonable, and is willing to accept it as full satisfaction for this claim.

AMOUNT CLAIMED: \$526.23

AMOUNT AWARDED: \$526.23