

Court of Claims

ANNUAL REPORT

2014

Cheryle M. Hall
Clerk of the Court

2014

Annual Report

of the

West Virginia Court of Claims

Judges of the Court

The Honorable J. David Cecil, Presiding Judge

The Honorable T. C. McCarthy Jr., Judge

The Honorable George F. Fordham, Judge

Cheryle M. Hall, Clerk



West Virginia Court of Claims

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

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

*Honorable Members of the
West Virginia State Legislature*

*It is my honor and privilege to present to you, in accordance with the
West Virginia Code §14-2-25, the Annual Report of the West Virginia Court
of Claims. This Report covers the activities of the Court for the calendar year 2013.*

Respectfully submitted,

*Cheryle M. Hall,
Clerk*

SUMMARY OF FUNDS

REGULAR CLAIMS BILL

GENERAL REVENUE FUNDS	\$ 2,797,841.21
SPECIAL REVENUE FUNDS	\$ 351,397.06
STATE ROAD FUNDS	\$ 611,754.16
TOTAL FOR REGULAR CLAIMS BILL	\$ 3,760,992.43

OVEREXPENDITURE CLAIMS BILL

GENERAL REVENUE FUNDS	\$122,892.38
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2014

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

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Claims Presented to the 2014 Legislature

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
13-0462	American Telephone Wiring Company,	Department of Administration/Office of Technology	245.00	245.00	11/26/2013
14-0010	Ebridge Consulting LLC,	Department of Administration/Office of Technology	140,292.25	140,292.25	1/20/2014
12-0473	Ebridge Consulting LLC,	Department of Administration/Office of Technology	15,964.50	15,964.50	8/27/2013
13-0607	IBM Corporation,	Department of Administration/Office of Technology	10,278.66	10,278.66	1/20/2014
13-0465	Pitney Bowes Inc.,	Department of Administration/Office of Technology	6,438.00	6,438.00	11/26/2013
13-0567	Planet Technologies Inc.,	Department of Administration/Office of Technology	86,615.00	86,615.00	2/4/2014
13-0641	Pomeroy IT Solutions Sales Company Inc.,	Department of Administration/Office of Technology	87,827.04	87,827.04	1/23/2014
12-0118	AT&T Communications of West Virginia,	Department of Health and Human Resources	31,531.46	22,000.00	2/3/2014
13-0196	Terrell Ellis & Associates Inc.,	Department of Health and Human Resources	24,581.83	24,581.83	8/2/2013
09-0625	Boatwright, Jonathan	Division of Corrections	4.47	4.47	1/20/2014

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
11-0177	Delgado, Miguel	Division of Corrections	35.00	35.00	1/20/2014
10-0651	Richmond, Alva L.	Division of Corrections	17.85	17.85	1/20/2014
11-0527	Riley III, James L.	Division of Corrections	2.12	2.12	1/20/2014
10-0625	Roberts, Charles E.	Division of Corrections	450.00	450.00	1/26/2014
12-0160	Roddy, Bobby	Division of Corrections	56.45	56.45	1/26/2014
13-0339	Shoop, Dale	Division of Corrections	39.49	19.49	8/27/2013
13-0059	Smallwood, Matthew	Division of Corrections	420.00	420.00	7/3/2013
13-0549	WV Regional Jail Authority,	Division of Corrections	2,645,204.00	2,645,204.00	11/26/2013
13-0406	Aaron, Josanna Kim	Division of Highways	173.40	173.40	10/17/2013
13-0063	Adams, Karen	Division of Highways	403.77	403.77	4/18/2013
13-0521	Alastanos, Michael S.	Division of Highways	300.00	300.00	11/1/2013
13-0552	Ankrom, Berna K.	Division of Highways	296.86	296.86	11/5/2013

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
13-0081	Arnett, James A.	Division of Highways	250.00	250.00	4/23/2013
13-0239	Bailey, Jessica	Division of Highways	221.00	221.00	6/12/2013
13-0061	Bailey, Paul Bailey Jr. and Jennifer	Division of Highways	286.65	286.65	1/20/2014
13-0305	Baker, Chris M.	Division of Highways	133.75	133.75	7/8/2013
13-0372	Baker, Virginia L.	Division of Highways	500.00	500.00	10/15/2013
13-0088	Banish, Peggy S.	Division of Highways	500.00	500.00	4/23/2013
11-0005	Banks, Caleb	Division of Highways	3,627.08	500.00	7/30/2013
13-0386	Barnett, Barry	Division of Highways	356.00	356.00	10/15/2013
12-0502	Barnette Jr., Virgil	Division of Highways	232.35	232.35	1/28/2014
13-0263	Barry, William E.	Division of Highways	311.76	311.76	6/12/2013
13-0453	Barton, Teresa A.	Division of Highways	3,565.17	250.00	1/20/2014
13-0296	Beafore, Jennifer Susan	Division of Highways	243.80	243.80	7/16/2013

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
13-0287	Black, John H.	Division of Highways	325.90	325.90	7/16/2013
13-0094	Black, Kerry L.	Division of Highways	143.60	143.60	4/23/2013
11-0648	Boggs, Deborah L.	Division of Highways	868.98	868.98	7/3/2013
13-0221	Bradfield, Gary C. Bradfield and Charlene	Division of Highways	85.12	85.12	1/20/2014
12-0414	Bragg, Brenda	Division of Highways	3,756.36	3,756.36	9/13/2013
13-0381	Brandstetter, Ronald E.	Division of Highways	87.85	87.85	10/15/2013
13-0045	Brown Sr., Dale D.	Division of Highways	119.00	119.00	1/20/2014
13-0320	Browning, Dwight R.	Division of Highways	317.00	317.00	7/8/2013
13-0150	Burdette, Sandra	Division of Highways	1,254.44	250.00	8/27/2013
12-0443	Burkhammer, Brian	Division of Highways	356.52	356.52	12/26/2013
13-0134	Cadd, Ray A.	Division of Highways	639.60	500.00	8/27/2013
11-0577	Caldwell, Darleen R.	Division of Highways	7,360.00	4,000.00	12/26/2013

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
13-0079	Campbell, Arlie Campbell and Tammy	Division of Highways	250.00	250.00	4/23/2013
12-0558	Carpenter, Kasey A. Tucker and Benjamin E.	Division of Highways	765.10	500.00	8/27/2013
13-0222	Carpenter, Thelma J.	Division of Highways	231.61	231.61	6/12/2013
11-0354	Cauley, Catherine	Division of Highways	559.15	500.00	1/20/2014
13-0148	Cecil, Tina	Division of Highways	147.34	147.34	6/4/2013
13-0168	Chandler, Ray O. Chandler and Emily J.	Division of Highways	174.90	174.90	8/27/2013
11-0487	Childers, Dollie P.	Division of Highways	114.48	114.48	1/20/2014
12-0550	Chiorello, Gene	Division of Highways	100.00	100.00	1/2/2014
13-0068	Chumney, Robert	Division of Highways	275.55	275.55	1/20/2014
13-0375	Clarkson, John D.	Division of Highways	199.76	199.76	10/15/2013
11-0641	Cleavenger, Leonard Cleavenger and Donna	Division of Highways	376.19	250.00	1/20/2014
11-0446	Cleaver, Susan	Division of Highways	716.54	716.54	8/27/2013

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
13-0132	Clevenger, Raymond Gary	Division of Highways	4,000.00	1,275.00	1/26/2014
12-0605	Cochran, Douglas P.	Division of Highways	180.31	180.31	7/3/2013
13-0579	Cochran, Douglas P.	Division of Highways	130.60	130.60	2/6/2014
13-0378	Coen, Mary J.	Division of Highways	80.69	80.69	10/15/2013
13-0199	Coiner, Jennifer K.	Division of Highways	250.00	250.00	6/12/2013
13-0524	Cole, Michael	Division of Highways	370.68	370.68	11/1/2013
13-0232	Columbo, Christina	Division of Highways	452.17	452.17	6/12/2013
13-0423	Conley, Randi Conley and Patrick	Division of Highways	500.00	500.00	10/17/2013
12-0391	Conte, Michael	Division of Highways	1,508.00	500.00	1/20/2014
11-0618	Cook, Robert L. Cook and Michelle	Division of Highways	12,100.47	8,000.00	12/26/2013
13-0429	Cooper, James M.	Division of Highways	314.53	314.53	12/12/2013
11-0711	Corey, Francine C.	Division of Highways	765.87	500.00	1/26/2014

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
13-0237	Cottrell Jr., Arnold Lee	Division of Highways	751.00	751.00	1/26/2014
13-0511	Cover, Samuel Robert Cover and Terri Lynn	Division of Highways	551.05	500.00	1/26/2014
07-0023	Crane, Candice B. Crane and Kevin L.	Division of Highways	748.23	500.00	7/3/2013
13-0341	Crimmel, Matthew	Division of Highways	320.00	320.00	9/11/2013
13-0299	Cumpston, Erica Lynn	Division of Highways	146.81	146.81	7/8/2013
12-0466	Dague, Charles S.	Division of Highways	21.20	21.20	1/20/2014
10-0689	Daniels, Jon	Division of Highways		10,850.00	8/27/2013
10-0689	Daniels, Johnathan Daniels, by and through his parent, Jon	Division of Highways		4,150.00	8/27/2013
13-0347	Davis, Lori A.	Division of Highways	151.50	151.50	9/11/2013
12-0595	Davis, Phillip E.	Division of Highways	620.94	250.00	1/20/2014
13-0110	Devericks, Melissa	Division of Highways	101.00	101.00	4/23/2013
13-0026	Dicken, Edgar K.	Division of Highways	238.20	238.20	1/20/2014

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
13-0637	Didion, Spencer	Division of Highways	232.00	232.00	1/26/2014
07-0379	Dillon, Theresa	Division of Highways	1,016.54	1,016.54	6/3/2013
12-0016	Dobson-Forman, Kate Nicole	Division of Highways	1,237.55	1,000.00	1/26/2014
13-0255	Dolin, Mary F.	Division of Highways	187.80	187.80	6/12/2013
12-0567	Dorazio, Shayna	Division of Highways	5,432.51	1,000.00	1/26/2014
13-0145	Dorton, Russell L.	Division of Highways	94.66	94.66	6/4/2013
13-0114	Dotson, Michael Dotson and Andrea	Division of Highways	290.44	290.44	1/26/2014
11-0512	Downward, David	Division of Highways	30,000.00	15,000.00	6/18/2013
13-0147	D'Souza, Gerard	Division of Highways	127.20	127.20	6/4/2013
13-0497	Duncan, Nora Jane	Division of Highways	211.34	211.34	10/31/2013
13-0391	Durban III, George E.	Division of Highways	218.79	218.79	10/15/2013
13-0277	Dye, Todd M.	Division of Highways	500.00	500.00	7/16/2013

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
12-0249	Edwards, Cherie	Division of Highways	475.00	475.00	6/3/2013
13-0226	Edwards, Malinda Edwards and Oral L.	Division of Highways	499.88	499.88	6/12/2013
13-0321	Elsender, Charles V.	Division of Highways	250.00	250.00	7/8/2013
13-0192	Erby, Alphonso	Division of Highways	303.94	303.94	1/20/2014
13-0113	Evans, Patricia A.	Division of Highways	307.16	307.16	5/23/2013
13-0284	Fix-Billington, Margaret	Division of Highways	578.39	578.39	10/15/2013
13-0272	Fletcher, Joyce Ann Fletcher and Harry K.	Division of Highways	1,066.69	500.00	1/26/2014
13-0083	Floyd, Sam Floyd and Kim	Division of Highways	500.00	500.00	4/23/2013
11-0464	Foster, Gregory A.	Division of Highways	563.47	250.00	7/30/2013
12-0599	Fox, Dale A.	Division of Highways	1,378.50	250.00	7/3/2013
13-0476	Foy, Alice J.	Division of Highways	697.58	500.00	1/20/2014
13-0170	Franks, Rodger Keith	Division of Highways	250.00	250.00	6/6/2013

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
12-0307	Frazier, Phillip R.	Division of Highways	631.24	631.24	1/20/2014
12-0405	Geer, Randy R. Geer and Kimberly D.	Division of Highways	935.56	935.56	12/26/2013
13-0046	Gilkeson, Robert E.	Division of Highways	1,645.86	500.00	7/3/2013
13-0527	Goddard, Wayne E. Goddard and Mary	Division of Highways	245.88	245.88	11/1/2013
12-0314	Gombarcik, Dale	Division of Highways	167.00	161.60	1/26/2014
13-0446	Graef, Ruth Graef and Gregory	Division of Highways	412.03	412.03	1/26/2014
13-0392	Greear, David W. Greear II and Jennifer Elaine	Division of Highways	308.89	250.00	1/20/2014
13-0424	Green, Reginald H.	Division of Highways	500.00	500.00	10/17/2013
13-0292	Hamilton, Gary P.	Division of Highways	500.00	500.00	7/16/2013
13-0294	Hamrick, Brad G.	Division of Highways	128.90	128.90	7/16/2013
13-0293	Hamrick, Brad G.	Division of Highways	189.62	189.62	7/16/2013
13-0316	Hanna, Kelly M.	Division of Highways	505.68	500.00	1/20/2014

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
13-0122	Hapney, Melissa	Division of Highways	100.70	100.70	8/27/2013
13-0238	Hardy, Mary	Division of Highways	238.00	238.00	10/15/2013
12-0348	Harmon, Jennifer Harmon and Jimmy	Division of Highways	544.68	500.00	1/20/2014
13-0218	Harper, Matthew G.	Division of Highways	424.32	424.32	1/20/2014
13-0397	Harper, Timothy Harper and Carrie R.	Division of Highways	250.00	250.00	10/17/2013
12-0619	Harris, Larry	Division of Highways	195.57	195.57	8/27/2013
11-0460	Harris, Virginia M.	Division of Highways	1,698.00	500.00	1/26/2014
13-0035	Harshbarger, Brenda	Division of Highways	550.00	500.00	1/20/2014
13-0195	Harter, Johnna	Division of Highways	500.00	500.00	6/12/2013
12-0284	Hartley, Vicky S. Hartley and Jonathan E.	Division of Highways	846.62	500.00	1/20/2014
13-0380	Harwood, Terri Hughes Harwood and Jason D.	Division of Highways	235.37	235.37	10/15/2013
13-0433	Hatten, David	Division of Highways	260.71	260.71	12/12/2013

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
13-0642	Haught, Terrell K.	Division of Highways	250.00	250.00	1/26/2014
13-0174	Headley, William R.	Division of Highways	289.37	289.37	7/16/2013
13-0330	Hebden, Skyler	Division of Highways	397.00	397.00	9/11/2013
13-0186	Hemphill, Donna K.	Division of Highways	250.00	250.00	6/12/2013
13-0290	Hendon, Kurstie S.	Division of Highways	137.75	137.75	7/16/2013
13-0223	Henson, Chris	Division of Highways	500.00	500.00	7/27/2013
12-0338	Herbaugh, Kevin Herbaugh and Debbie	Division of Highways	989.04	856.06	7/3/2013
13-0043	Hertzog, Robert K. Hertzog and Lori	Division of Highways	1,502.81	1,502.81	1/20/2014
13-0131	Hess, Francis W. Hess and Patricia E.	Division of Highways	228.96	228.96	5/23/2013
13-0067	Hickman, Cecil L.	Division of Highways	346.60	346.60	4/23/2013
13-0224	Hildebrand, Micheel J.	Division of Highways	127.41	127.41	6/12/2013
13-0553	Hitt, Kelly L.	Division of Highways	500.00	500.00	11/5/2013

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
13-0420	Hoffman, Maurice D.	Division of Highways	100.00	100.00	10/17/2013
13-0143	Holstein, Vicki C.	Division of Highways	219.56	219.56	8/27/2013
13-0388	Hood, Trina	Division of Highways	467.94	467.94	10/15/2013
12-0418	Horner, Robert L.	Division of Highways	172.96	172.96	8/27/2013
12-0583	Howard, Jason	Division of Highways	159.37	159.37	7/3/2013
13-0492	Howard, Leslie R. and Mary J.	Division of Highways	500.00	500.00	9/17/2013
13-0273	Hubbard, Bonita	Division of Highways	385.80	385.80	1/20/2014
11-0135	Hutchinson, Joseph Hutchinson and Jennifer	Division of Highways	500,000.00	85,000.00	1/20/2014
13-0466	Hylton, Teresa	Division of Highways	64.00	64.00	8/24/2013
13-0203	Ice, Mariea Dawn Webb and Helen I.	Division of Highways	308.89	308.89	6/12/2013
12-0309	Jackson, Stacy L.	Division of Highways	715.71	715.71	1/20/2014
13-0458	James, Frank W.	Division of Highways	960.01	960.01	8/24/2013

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
12-0562	Janssen, Dave Janssen and Adriane	Division of Highways	586.18	500.00	1/20/2014
13-0418	Jewell, Eleanor	Division of Highways	100.00	100.00	10/17/2013
13-0031	Johnson, Adam J.	Division of Highways	113.95	113.95	4/16/2013
13-0502	Johnson, Derek	Division of Highways	360.29	360.29	10/31/2013
13-0504	Johnson, Derek	Division of Highways	386.58	386.58	10/31/2013
13-0359	Johnson, Garrett	Division of Highways	80.56	80.56	10/15/2013
13-0475	Johnson, Jeremy	Division of Highways	364.75	364.75	1/20/2014
13-0609	Johnson, Larry B.	Division of Highways	197.82	197.82	2/6/2014
13-0479	Johnson, Ronnie	Division of Highways	185.45	185.45	8/24/2013
13-0265	Jones, Angela S.	Division of Highways	1,143.91	1,000.00	1/26/2014
13-0356	Jones, Keith	Division of Highways	125.08	125.08	10/15/2013
13-0213	Jones, Rita	Division of Highways	227.84	227.84	7/16/2013

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
14-0002	Jones, Robert W.	Division of Highways	500.00	500.00	1/27/2014
13-0333	Jones, Shirley A.	Division of Highways	596.65	250.00	1/20/2014
13-0350	Jones, William Chad	Division of Highways	607.31	607.31	9/11/2013
13-0080	Kaufmann, Karen	Division of Highways	173.02	173.02	4/23/2013
12-0503	Keaton, Charlotte Keaton and Basil	Division of Highways	1,176.00	500.00	7/3/2013
13-0614	Keeney, Angela Ann	Division of Highways	95.35	95.35	2/6/2014
13-0142	Keesecker, Matthew	Division of Highways	268.00	268.00	5/23/2013
12-0366	Keith, David R.	Division of Highways	1,150.10	1,000.00	12/26/2013
12-0393	Kelly, Robert	Division of Highways	415.00	415.00	8/27/2013
12-0578	Kennedy, Lisa L.	Division of Highways	191.31	191.31	1/20/2014
13-0576	King, Barbara L.	Division of Highways	45,000.00	40,000.00	1/20/2014
13-0601	Kipp, Linda S. Kipp and Stanley H.	Division of Highways	250.00	250.00	12/10/2013

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
13-0288	Kiral, Gene and Jerri	Division of Highways	500.00	500.00	10/15/2013
11-0601	Knoble, Timothy W.	Division of Highways	149.00	149.00	6/3/2013
12-0456	Krasyk, Sharon	Division of Highways	8,500.00	4,250.00	8/27/2013
13-0413	Krisantz, Kenneth	Division of Highways	159.00	159.00	10/17/2013
13-0116	Kroger, Andrea	Division of Highways	154.66	154.66	5/23/2013
13-0451	Krum, Robert C.	Division of Highways	285.03	285.03	1/26/2014
13-0634	Krutilla, Sharon	Division of Highways	224.94	224.94	1/26/2014
13-0438	Kuhn, Michael W. Sprowls and Alicia M.	Division of Highways	120.00	120.00	12/12/2013
13-0271	Kukura, Jeffrey Kukura and Lisa	Division of Highways	336.97	336.97	6/12/2013
11-0586	Kyanko, Mark T. Kyanko and Mari J.	Division of Highways	638.65	500.00	1/20/2014
13-0301	Lambert Jr., David D.	Division of Highways	193.68	193.68	7/8/2013
13-0231	Lane II, Billy Jr.	Division of Highways	1,585.00	1,000.00	1/26/2014

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
10-0436	Lazzarine, Tammy	Division of Highways	1,073.14	1,000.00	7/3/2013
13-0490	Lehn, Bari G.	Division of Highways	500.00	500.00	9/17/2013
13-0264	Lester, Georgetta	Division of Highways	1,805.17	1,000.00	1/20/2014
14-0070	Lewis, Jeffrey	Division of Highways		25,000.00	2/5/2014
12-0072	Lewis, Richard	Division of Highways	1,656.85	500.00	7/30/2013
13-0137	Link, Edward R.	Division of Highways	53.00	53.00	5/23/2013
12-0128	Linville, Richard	Division of Highways	582.22	500.00	6/3/2013
12-0312	Lipscomb, Harold F.	Division of Highways	600.00	600.00	1/26/2014
13-0547	Lofstead, Becky	Division of Highways	297.43	297.43	11/1/2013
14-0007	Louk, Brenda S.	Division of Highways	250.00	250.00	1/27/2014
13-0516	Lowery, JoAnn	Division of Highways	500.00	500.00	10/31/2013
13-0249	Lucas, Richard J.	Division of Highways	1,188.63	1,188.63	1/20/2014

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
12-0336	Lucas, Stephanie Lucas and Joshua	Division of Highways	259.95	259.95	1/26/2014
13-0108	Lusk, Madelyn	Division of Highways	100.00	100.00	4/23/2013
13-0469	Marsh, Gail C.	Division of Highways	79.50	79.50	8/24/2013
12-0415	Martin, Bob	Division of Highways	291.50	291.50	8/27/2013
13-0236	Martin, Levi L.	Division of Highways	250.00	250.00	10/15/2013
10-0659	Martin, Travis E.	Division of Highways	100,000.00	60,000.00	8/27/2013
13-0432	Mason, Jonna	Division of Highways	500.00	500.00	12/12/2013
13-0308	Matheny, Gary L.	Division of Highways	196.10	196.10	7/8/2013
13-0351	May, William H.	Division of Highways	500.00	500.00	9/11/2013
13-0332	Maynor, Virginia Ann	Division of Highways	250.00	250.00	9/11/2013
13-0313	Mazella, Joseph J.	Division of Highways	388.46	388.46	7/8/2013
13-0365	McCarty, Janene R. McCarty and Pat	Division of Highways	437.29	437.29	10/15/2013

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
13-0508	McClelland, William F. McClelland Sr. and Janet L.	Division of Highways	250.00	250.00	10/31/2013
12-0477	McLaughlin, Catherine D.	Division of Highways	557.63	500.00	8/27/2013
13-0129	McLean Jr., William G.	Division of Highways	305.13	305.13	1/20/2014
13-0158	Mead, Stevi	Division of Highways	180.00	180.00	7/16/2013
08-0445	Meador, Wanda E.	Division of Highways	1,700.98	250.00	8/27/2013
12-0615	Meeks, Sandra	Division of Highways	201.40	201.40	1/26/2014
13-0353	Mendez, Paul C.	Division of Highways	995.15	500.00	1/20/2014
12-0531	Michaels, Jerry Michaels and Theresa	Division of Highways	745.55	745.55	1/20/2014
13-0064	Miller, John David	Division of Highways	153.70	153.70	1/20/2014
13-0289	Mitchem, Tami	Division of Highways	100.00	100.00	7/16/2013
09-0399	Monk, James	Division of Highways	60,000.00	32,000.00	1/20/2014
13-0415	Morgan, Chalmer L.	Division of Highways	171.00	171.00	10/17/2013

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
13-0078	Morris, Melanie S.	Division of Highways	1,151.11	327.49	2/4/2014
13-0039	Morrison, Beverly	Division of Highways	250.00	250.00	4/16/2013
13-0281	Moyer, Ralph	Division of Highways	141.42	141.42	1/26/2014
10-0568	Nissman, Barbara	Division of Highways	1,882.69	500.00	7/3/2013
12-0333	Northup, Judy A. Northup and Rich	Division of Highways	858.98	858.98	1/20/2014
12-0407	Noss, David A.	Division of Highways	118.78	118.78	7/3/2013
12-0288	O'Hara, Laura	Division of Highways	569.28	569.28	1/26/2014
11-0435	Ojeda, Joseph R.	Division of Highways	200.00	200.00	7/30/2013
11-0369	Oxley, Krista	Division of Highways	8,019.36	8,019.36	1/26/2014
13-0569	Pahl, Carla Pahl (Ross) and Nicole	Division of Highways	95.93	95.93	11/5/2013
13-0185	Paisley, Mary A.	Division of Highways	146.81	146.81	6/12/2013
13-0056	Palffy, Adel	Division of Highways	66.89	66.89	4/18/2013

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
13-0093	Palumbo, Lila Stewart	Division of Highways	612.57	612.57	1/20/2014
13-0156	Pape, Mary	Division of Highways	410.17	410.17	6/4/2013
13-0086	Patel, Shobha	Division of Highways	304.15	304.15	4/23/2013
13-0107	Pauley, Evan S.	Division of Highways	2,170.48	2,000.00	11/26/2013
12-0150	Perry, William J.	Division of Highways	1,882.90	500.00	1/20/2014
13-0371	Phillips, Gary L.	Division of Highways	100.00	100.00	10/15/2013
13-0149	Pinkard, Collette	Division of Highways	187.69	187.69	6/4/2013
13-0379	Pitt, Audrey	Division of Highways	413.60	413.60	10/15/2013
13-0408	Pitt, Benjamin	Division of Highways	367.30	367.30	10/17/2013
13-0425	Pitt, Benjamin	Division of Highways	161.16	161.16	10/17/2013
13-0054	Pruitt, Lee Anne M. Pruitt and Harold A.	Division of Highways	141.79	141.79	4/18/2013
12-0009	Pugh, Laura Ann	Division of Highways	3,331.68	500.00	1/20/2014

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
13-0164	Rabel Jr., Edward L.	Division of Highways	250.00	250.00	6/6/2013
13-0430	Raber, Lisa	Division of Highways	201.25	201.25	12/12/2013
13-0473	Raber Jr., Charles C.	Division of Highways	256.29	256.29	8/24/2013
13-0550	Richardson, John Peter Richardson and Patricia A.	Division of Highways		160,000.00	11/26/2013
12-0534	Riggins, Paul J.	Division of Highways	579.20	200.00	1/20/2014
13-0117	Robinson, John E.	Division of Highways	83.25	83.25	5/23/2013
13-0374	Rogerson, Karen S.	Division of Highways	99.95	99.95	1/20/2014
13-0568	Roskovensky, Charles	Division of Highways	207.72	207.72	11/5/2013
13-0125	Roth, Lisa Dianne	Division of Highways	120.07	120.07	1/20/2014
13-0262	Rowback, Kenneth J.	Division of Highways	1,642.25	1,642.25	1/20/2014
13-0058	Roy Sr., Donna L. Roy and Robert J.	Division of Highways	2,319.00	500.00	1/26/2014
11-0161	Runyon, Roxie M.	Division of Highways	2,860.57	500.00	7/3/2013

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
13-0109	Rymer III, Kimberly A. Rymer and Kenneth D.	Division of Highways	370.95	370.95	4/23/2013
13-0247	Sackett, Sarah Burkhart and Jane	Division of Highways	137.80	137.80	6/12/2013
11-0468	Santilli, Jenny L.	Division of Highways	327.73	327.73	8/27/2013
13-0151	Sappington, Douglas L.	Division of Highways	332.20	332.20	1/26/2014
13-0327	Sattes, Lesley	Division of Highways	652.96	652.96	7/8/2013
13-0119	Schatzel, Steve	Division of Highways	475.18	475.18	5/23/2013
13-0398	Scott, Johnny D.	Division of Highways	169.55	169.55	10/17/2013
13-0241	Shaffer, Glenna	Division of Highways	1,005.72	500.00	1/20/2014
13-0160	Shaw, Carrie	Division of Highways	158.50	158.50	6/6/2013
10-0502	Sheltz, Ronald R.	Division of Highways	1,824.92	1,824.92	11/26/2013
13-0211	Shimko, Gregory Shimko and Dorothy	Division of Highways	643.19	250.00	1/20/2014
13-0360	Shinn, Howard L.	Division of Highways	359.40	359.40	1/20/2014

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
13-0307	Shipp, Tyler J.	Division of Highways	3,110.00	3,110.00	11/26/2013
12-0450	Sholes, Stephen M. Sholes and Rebecca L.	Division of Highways	4,010.55	4,010.55	11/26/2013
13-0303	Shriver II, Larry	Division of Highways	156.45	156.45	7/8/2013
13-0179	Sigman, Jennifer	Division of Highways	693.00	693.00	8/27/2013
11-0382	Sipple, Jeremy D.	Division of Highways	2,306.56	500.00	6/3/2013
13-0582	Sizemore, Tara	Division of Highways	146.28	146.28	12/10/2013
13-0118	Smith, Denita	Division of Highways	127.20	127.20	1/20/2014
13-0285	Smith, Jay R.	Division of Highways	171.36	171.36	7/16/2013
12-0292	Smith, Mary C.	Division of Highways	489.90	489.90	7/3/2013
13-0311	Snodgrass, Rick	Division of Highways	437.78	437.78	7/8/2013
13-0214	Snodgrass, Samuel	Division of Highways	250.00	250.00	7/16/2013
11-0189	Snyder, Sarah	Division of Highways	15,678.88	11,127.75	1/28/2014

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
13-0001	Sowers, Thomas	Division of Highways	369.51	369.51	12/26/2013
12-0062	Staffileno, Brittany N.	Division of Highways	606.16	500.00	1/20/2014
13-0074	Stamper, Kenneth	Division of Highways	1,008.66	200.00	1/20/2014
13-0355	Stargell, Adrian	Division of Highways	499.23	499.23	10/15/2013
12-0379	Steffich, Sandra J. Fittro and Chris	Division of Highways	667.49	250.00	1/20/2014
11-0658	Stotler, Richard	Division of Highways	697.00	250.00	1/20/2014
13-0070	Stout, Joyce A.	Division of Highways	333.90	333.90	4/23/2013
13-0450	Street, Gregory L.	Division of Highways	3,744.13	500.00	1/20/2014
13-0455	Street, Gregory L.	Division of Highways	398.57	398.57	1/20/2014
13-0500	Strong, Sheila	Division of Highways	440.01	440.01	10/31/2013
13-0306	Stultz, James R.	Division of Highways	300.00	300.00	7/8/2013
12-0604	Stump, Rinda Faye	Division of Highways	173.84	173.84	7/3/2013

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
13-0229	Summers, Carroll	Division of Highways	629.64	629.64	7/16/2013
13-0407	Sutton, Ryan H.	Division of Highways	195.93	195.93	10/17/2013
13-0103	Tait, Thomas Kopnski and Mary Lou	Division of Highways	180.20	180.20	4/23/2013
13-0077	Talago, Bruce	Division of Highways	511.03	511.03	1/20/2014
13-0016	Tallman, Jamie	Division of Highways	330.00	330.00	1/20/2014
13-0403	Taylor, Steven A.	Division of Highways	82.44	82.44	10/17/2013
13-0069	Tennant, Jennifer A.	Division of Highways	106.75	106.75	7/27/2013
13-0101	Terek, Raymond J. Terek and Sandra L.	Division of Highways	500.00	500.00	4/23/2013
13-0082	Thomas, Ralph	Division of Highways	1,623.99	1,000.00	1/26/2014
13-0120	Thomas, Stephen Ashley	Division of Highways	128.21	128.21	5/23/2013
13-0227	Thompson, Howard G.	Division of Highways	600.50	500.00	1/20/2014
12-0598	Todd, George	Division of Highways	745.00	500.00	1/26/2014

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
12-0561	Toney, William	Division of Highways	2,251.69	2,251.69	8/27/2013
12-0239	Travis Sr., Fred Richard	Division of Highways	285.50	100.00	1/20/2014
13-0416	Trent, George E.	Division of Highways	98.00	98.00	10/17/2013
13-0445	Turner, David E.	Division of Highways	388.00	388.00	12/12/2013
13-0519	Vance, Justin D.	Division of Highways	500.00	500.00	10/31/2013
13-0159	Vanscoy, Alberta Vanscoy and Robin	Division of Highways	184.40	184.40	6/6/2013
13-0454	Vencill, John M.	Division of Highways	250.00	250.00	8/24/2013
12-0591	Vincent, Leora J.	Division of Highways	1,206.30	250.00	1/26/2014
13-0121	Wagers, Patricia A.	Division of Highways	1,172.19	500.00	1/26/2014
13-0155	Wallace, Damon J.	Division of Highways	72.46	72.46	6/4/2013
13-0493	Ward, Deborah A.	Division of Highways	130.99	130.99	9/17/2013
13-0575	Watson, Betty Jeanette	Division of Highways	353.50	353.50	1/2/2014

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
13-0201	Watson, Cheryl	Division of Highways	100.00	100.00	10/15/2013
12-0600	Watson, Samantha	Division of Highways	4,449.57	880.72	1/26/2014
11-0664	Webb, Chris	Division of Highways	204.53	204.53	8/27/2013
13-0270	Weeks, Lloyd	Division of Highways	146.84	146.84	7/16/2013
13-0324	Weinberger, Richard	Division of Highways	706.20	706.20	10/15/2013
13-0146	Weiss, Bill	Division of Highways	186.46	186.46	6/4/2013
12-0488	Welch Jr., Jerry L.	Division of Highways	148.40	148.40	1/20/2014
13-0495	Wells, Angie	Division of Highways	617.71	617.71	1/26/2014
11-0649	Westfall, Loretta June	Division of Highways	54,412.00	8,000.00	11/26/2013
13-0419	Whaley, Cherish N.	Division of Highways	200.00	200.00	10/17/2013
12-0475	White, Sharon R.	Division of Highways	100.00	100.00	12/26/2013
13-0291	Wilhite, Brandon	Division of Highways	5,275.30	5,275.30	1/20/2014

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
13-0099	Williams, John C. Williams and Lois M.	Division of Highways	250.00	250.00	4/23/2013
13-0015	Williams, Rory T.	Division of Highways	227.44	227.44	1/20/2014
13-0076	Willis, Thomas D. Willis and Dusty	Division of Highways	767.34	250.00	1/20/2014
13-0399	Wilson, Becky	Division of Highways	175.23	175.23	10/17/2013
13-0283	Wilson, Crystal C.	Division of Highways	250.00	250.00	1/26/2014
13-0361	Winans, Charles P.	Division of Highways	212.05	212.05	10/15/2013
12-0453	Wiseman, Vicki	Division of Highways	388.50	250.00	8/27/2013
12-0285	Wolfe, Tiffany	Division of Highways	646.49	500.00	7/3/2013
12-0433	Wolford, Janice L. Wolford and Robert E.	Division of Highways	2,365.34	500.00	1/20/2014
12-0321	Wood, Ronald P.	Division of Highways	407.69	407.69	10/15/2013
12-0447	Wood, Ronald P.	Division of Highways	355.89	355.89	1/20/2014
13-0464	Wood, Todd A. Wood and Rachel M.	Division of Highways	2,230.05	500.00	1/20/2014

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
13-0441	Wyatt, Alphus R.	Division of Highways	154.10	154.10	12/12/2013
13-0163	Wycoff, Ralph F. Wycoff and Crystal R.	Division of Highways	308.06	308.06	6/6/2013
13-0317	Yingling, Kimberly	Division of Highways	349.75	349.75	7/8/2013
09-0331	Yorty, Jeffrey Yorty and Ann	Division of Highways	1,218.72	1,218.72	1/20/2014
13-0212	Yost, Floyd A.	Division of Highways	325.63	325.63	6/12/2013
13-0154	Young, Deborah I.	Division of Highways	94.16	94.16	6/4/2013
12-0459	Youst, Matthew J. Youst and Tracy D.	Division of Highways	648.38	500.00	1/26/2014
13-0095	Hambleton, Ronald	Division of Juvenile Services	50.00	50.00	1/20/2014
13-0474	Degarmo, Linsey and Elizabeth	Division of Motor Vehicles	250.00	250.00	11/26/2013
13-0319	Jenks, Micky Leigh	Division of Motor Vehicles	650.00	565.00	9/13/2013
11-0350	Johnson, Jody	Division of Motor Vehicles	4,250.00	2,081.76	7/30/2013
13-0565	Public Employees Insurance Agency,	Real Estate Commission	2,371.07	2,371.07	1/26/2014

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
13-0463	Altizer, Dickie	Regional Jail Authority	4.42	4.42	1/20/2014
12-0539	Banks, Vincent B.	Regional Jail Authority	500.00	500.00	11/26/2013
13-0032	Cirigliano, Joseph L.	Regional Jail Authority	329.84	329.84	1/20/2014
12-0086	Gale, David L.	Regional Jail Authority	93.00	93.00	1/20/2014
13-0366	Golaszewski, John M.	Regional Jail Authority	120.00	120.00	1/20/2014
12-0019	McClendon, Zack	Regional Jail Authority	271.36	271.36	1/20/2014
13-0393	Sams, Michael	Regional Jail Authority	46.92	46.92	1/20/2014
09-0284	Carney, Wanda	State of West Virginia		48,000.00	7/3/2013
09-0285	Jarvis, Betty	State of West Virginia		57,000.00	7/3/2013
			\$4,092,066.07	\$3,760,992.43	

**Over-Expenditure Claims
Presented to the 2014 Legislature**

Claims Against the Department of Health and Human Resources

<u>Number</u>	<u>Claimant's Name</u>	<u>Nature of Claim</u>	<u>Amount in Claims Bill</u>	<u>Date of Opinion</u>
CC 13-0605	Chapman's Mortuary	indigent burial	1,250.00	1/26/2014
CC 13-0606	Chapman's Mortuary	indigent burial	1,250.00	1/26/2014
CC 13-0633	Dodd-Payne-Hess Funeral Home	indigent burial	1,250.00	1/26/2014
Agency total:			\$3,750.00	

Claims Against the Division of Corrections

<u>Number</u>	<u>Claimant's Name</u>	<u>Nature of Claim</u>	<u>Amount in Claims Bill</u>	<u>Date of Opinion</u>
CC 14-0049	Silling Associates Inc.	Contract claim	105,037.60	1/30/2014
Agency total:			\$105,037.60	

Claims Against the Division of Forestry

<u>Number</u>	<u>Claimant's Name</u>	<u>Nature of Claim</u>	<u>Amount in Claims Bill</u>	<u>Date of Opinion</u>
CC 13-0566	Public Employees Insurance Agency	unpaid invoices	14,104.78	1/20/2014
Agency total:			\$14,104.78	
Grand total:			\$122,892.38	

Disallowed Claims Presented to the 2014 Legislature

Number	Name of Claimant	Name of Respondent	Amount Claimed	Final Disposition	Date of Opinion
10-0573	Barbe, Donald R.	Division of Corrections	820.00	Disallowed	2/6/2014
13-0585	Best Western Mountaineer Inn,	Division of Corrections	66.08	Disallowed	2/6/2014
11-0016	Conley, Eddie	Division of Corrections	100.00	Disallowed	2/6/2014
11-0638	Adkins, Anthony S.	Division of Highways	800.00	Disallowed	11/26/2013
10-0640	Adkins, Shirley M.	Division of Highways	2,000.00	Disallowed	9/13/2013
11-0370	Allen, Claude A.	Division of Highways	421.02	Disallowed	11/26/2013
12-0267	Ballard, Randall R. Ballard and Bonnie	Division of Highways	500.00	Disallowed	11/26/2013
11-0054	Boggs, Kimberly Boggs and Steven	Division of Highways	13,371.30	Disallowed	9/13/2013
12-0183	Brown, David	Division of Highways	260.76	Disallowed	4/5/2013
12-0249	Edwards, Cherie	Division of Highways	475.00	Disallowed	4/5/2013
11-0674	Fletcher, Elaine	Division of Highways	3,115.14	Disallowed	4/5/2013
09-0352	Lloyd, Don M.	Division of Highways	20,000.00	Disallowed	11/26/2013
11-0037	Mareske, Mark	Division of Highways	760.48	Disallowed	9/13/2013
11-0645	Savage, Sally J.	Division of Highways	806.52	Disallowed	4/5/2013

Number	Name of Claimant	Name of Respondent	Amount Claimed	Final Disposition	Date of Opinion
12-0050	Sellers, David Sellers Jr., and Zangeleia	Division of Highways	250.00	Disallowed	4/5/2013
12-0381	Semenie, James P.	Division of Highways	477.93	Disallowed	11/26/2013
13-0323	Shamblin Jr., Delmar	Division of Highways	2,950.00	Disallowed	1/26/2014
12-0587	Slappe, Raymond D. Slappe and Pamela L.	Division of Highways	500.11	Disallowed	1/26/2014
13-0001	Sowers, Thomas	Division of Highways	369.51	Disallowed	11/26/2013
12-0491	Spaulding, Tony	Division of Highways	4,004.86	Disallowed	9/13/2013
12-0491	Spaulding, Tony	Division of Highways	4,004.86	Disallowed	2/6/2014
11-0030	Vickers, Bobby J.	Division of Highways	2,009.53	Disallowed	9/13/2013
12-0080	Jack's Enterprises Inc.,	West Virginia Lottery Commission	370,890.30	Disallowed	7/3/2013
12-0369	Benson, Sam	WV State Police	169.00	Disallowed	6/3/2013
			\$429,122.40		

COURT OF CLAIMS

ABSTRACTS OF CLAIMS AWARDED

CLAIMS AGAINST DEPARTMENT OF ADMINISTRATION/ OFFICE OF TECHNOLOGY

CC-13-0462 AMERICAN TELEPHONE WIRING COMPANY

Claimant seeks to recover \$245.00 for an invoice which was not paid to Claimant in the proper fiscal year. Respondent admits the validity as well as the amount of the claim, and states that there were sufficient funds expired in the appropriate fiscal years from which the payments could have been made.

AMOUNT CLAIMED: \$245.00

AMOUNT AWARDED: \$245.00

CC-14-0010 EBRIDGE CONSULTING LLC

Claimant seeks to recover \$140,292.25 for an invoice for technology consulting services which was not paid to Claimant in the proper fiscal year. Respondent admits the validity as well as the amount of the claim, and states that there were sufficient funds expired in the appropriate fiscal years from which the payments could have been made.

AMOUNT CLAIMED: \$140,292.25

AMOUNT AWARDED: \$140,292.25

CC-12-0473 EBRIDGE CONSULTING LLC

Claimant seeks to recover \$15,964.50 for an invoice for technology consulting services which was not paid to Claimant in the proper fiscal year. Respondent admits the validity as well as the amount of the claim, and states that there were sufficient funds expired in the appropriate fiscal years from which the payments could have been made.

AMOUNT CLAIMED: \$15,964.50

AMOUNT AWARDED: \$15,964.50

CC-13-0607 IBM CORPORATION

Claimant seeks to recover \$10,278.66 for an invoice for maintenance services which was not paid to Claimant in the proper fiscal year. Respondent admits the validity as well as the amount of the claim, and states that there were sufficient funds expired in the appropriate fiscal years from which the payments could have been made.

AMOUNT CLAIMED: \$10,278.66

AMOUNT AWARDED: \$10,278.66

CC-13-0465 PITNEY BOWES INC.

Claimant seeks to recover \$6,438.00 for an invoice which was not paid to Claimant in the proper fiscal year. Respondent admits the validity as well as the amount of the claim, and states that there were sufficient funds expired in the appropriate fiscal years from which the payments could have been made.

AMOUNT CLAIMED: \$6,438.00

AMOUNT AWARDED: \$6,438.00

CC-13-0567 PLANET TECHNOLOGIES INC.

Claimant seeks to recover \$86,615.00 for consulting services provided to Respondent and documented by numerous unpaid invoices for time and materials. In its Answer, Respondent admits the validity of the claim as well as the amount with respect to the consulting services rendered in the sum of \$86,615.00, and states that there were sufficient funds expired in that appropriate fiscal year from which the invoices could have been paid.

AMOUNT CLAIMED: \$86,615.00

AMOUNT AWARDED: \$86,615.00

CC-13-0641 POMEROY IT SOLUTIONS SALES COMPANY INC.

Claimant seeks to recover \$87,827.04 for communication services for which the invoices were not processed for payment in the proper fiscal so Claimant was not paid. Respondent admits the validity as well as the amount of the claim, and states that there were sufficient funds expired in the appropriate fiscal years from which the payments could have been made.

AMOUNT CLAIMED: \$87,827.04

AMOUNT AWARDED: \$87,827.04

CLAIMS AGAINST THE DEPARTMENT OF HEALTH AND HUMAN RESOURCES

CC-12-0118 AT&T COMMUNICATIONS OF WEST VIRGINIA

Claimant seeks to recover \$31,531.46 for telephone services provided to Respondent but the invoices for the services were not paid in the proper fiscal year. Respondent admits the validity, but states that the amount owed and due Claimant is \$22,000.00. Respondent further states that there were sufficient funds expired in the appropriate fiscal years from which the payments could have been made. Claimant agreed to accept the amount of \$22,000.00. Accordingly, the Court made an award in that amount.

AMOUNT CLAIMED: \$31,531.46

AMOUNT AWARDED: \$22,000.00

CC-13-0196 TERRELL ELLIS & ASSOCIATES, INC.

Claimant seeks to recover \$24,581.83 for services rendered but not paid for in the proper fiscal year. Respondent admits the validity as well as the amount of the claim, and states that there were sufficient funds expired in the appropriate fiscal years from which the payments could have been made.

AMOUNT CLAIMED: \$24,581.83

AMOUNT AWARDED: \$24,581.83

CLAIMS AGAINST THE DIVISION OF CORRECTIONS

CC-09-0625 JONATHAN BOATWRIGHT

Claimant seeks to recover \$4.47 for shoelaces he ordered and paid for, but did not receive. At the hearing, Respondent stipulated to liability on the basis that a bailment had been created.

AMOUNT CLAIMED: \$4.47

AMOUNT AWARDED: \$4.47

CC-11-0177 MIGUEL DELGADO

Claimant seeks to recover \$35.00 for a damaged religious book. At the hearing, Respondent stipulated to liability on the basis that a bailment had been created.

AMOUNT CLAIMED: \$35.00

AMOUNT AWARDED: \$35.00

CC-10-0651 ALVA L. RICHMOND

Claimant seeks to recover \$17.85 for tobacco products that were stolen from a storage area. At the hearing, Respondent stipulated to liability on the basis that a bailment had been created.

AMOUNT CLAIMED: \$17.85

AMOUNT AWARDED: \$17.85

CC-11-0527 JAMES L. RILEY III

Claimant seeks to recover \$2.12 for two ice cream treats that he ordered but that were not provided to him. At the hearing, Respondent stipulated to liability on the basis that a bailment had been created.

AMOUNT CLAIMED: \$2.12

AMOUNT AWARDED: \$2.12

CC-10-0625 CHARLES E. ROBERTS

Claimant seeks to recover \$450.00 for certain items of personal property. At the hearing, Respondent stipulated to liability on the basis that a bailment had been created.

AMOUNT CLAIMED: \$450.00

AMOUNT AWARDED: \$450.00

CV-12-0160 BOBBY RODDY

Claimant seeks to recover \$56.45 for items of converted property. At the hearing, Respondent admits liability on the basis that a bailment had been created.

AMOUNT CLAIMED: \$56.45

AMOUNT AWARDED: \$56.45

CC-13-0339 DALE SHOOP

Claimant seeks to recover \$19.49 for items of personal property that were never returned to him, and \$20.00 for mental anguish. At the hearing, Respondent stipulated to liability on the basis that a bailment had been created, and awarded the sum of \$19.49.

AMOUNT CLAIMED: \$39.49

AMOUNT AWARDED: \$19.49

CC-13-0059 MATTHEW SMALLWOOD

Claimant seeks to recover \$420.00 for items of personal property that were never returned to him. At the hearing, Respondent stipulated to liability on the basis that a bailment had been created, and awarded the sum of \$420.00.

AMOUNT CLAIMED: \$420.00

AMOUNT AWARDED: \$420.00

CC-13-0549 WV REGIONAL JAIL AUTHORITY

Claimant seeks to recover \$2,645,204.00 in per diem costs associated with housing and providing services to prisoners who have been sentenced to State penal institutions, but have remained in the regional jails. In its Answer, Respondent admitted the validity and amount of the claim.

AMOUNT CLAIMED: \$2,645,204.00

AMOUNT AWARDED: \$2,645,204.00

CLAIMS AGAINST THE DIVISION OF HIGHWAYS

CC-13-0061 PAUL BAILEY JR. AND JENNIFER BAILEY

The Claimants brought this action for vehicular damage which occurred when their 2003 Chrysler Town & Country van struck a large hole in Dutch Hollow Road near Dunbar, Kanawha County. On the date of the incident, Claimants carried a \$500.00 collision insurance deductible; therefore, no limitation applies. The Court awarded the sum of \$286.65 for the damage to both struts.

AMOUNT CLAIMED: \$286.65

AMOUNT AWARDED: \$286.65

CC-11-0005 CALEB BANKS

The Claimant brought this action for vehicular damage which occurred when his 2006 Lexus GS 300 struck a road defect along U.S. 119 near Williamson, Mingo County. The Court held that the Respondent had at least constructive notice of the uneven patch of road in the construction zone. The Claimant's vehicle sustained \$3,627.08 in damages, but he carried collision insurance with a \$500.00 deductible; therefore, the Court granted an award of \$500.00.

AMOUNT CLAIMED: \$3,627.08

AMOUNT AWARDED: \$500.00

CC-13-0453 TERESA A. BARTON

The Claimant brought this action for vehicular damage which occurred when her 2003 Pontiac Grand Prix struck a rock in the travel portion of the roadway along Route 460 near Princeton, Mercer County. The Court held that the Respondent had actual notice of the risk posed via a telephone call approximately one hour before the incident. The Claimant's vehicle sustained \$3,565.17 in damages, but she carried collision insurance with a \$250.00 deductible; therefore, the Court granted an award of \$250.00.

AMOUNT CLAIMED: \$3,565.17

AMOUNT AWARDED: \$250.00

CC-11-0648 DEBORAH L. BOGGS

The parties stipulated as follows: The Claimant was traveling along W.Va. Route 60 near Charmco, Greenbrier County, when her 1999 Pontiac Grand Am struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of W.Va. Route 60, which it failed to maintain properly on the date of the incident. As a result, Claimant's vehicle sustained damages of \$868.98. Since the Claimant carried liability insurance only, the Court granted an award for the full amount of the damages.

AMOUNT CLAIMED: \$868.98

AMOUNT AWARDED: \$868.98

CC-13-0221 GARY C. BRADFIELD AND CHARLENE BRADFIELD

The parties stipulated as follows: The Claimants were traveling along Route 28 near Romney, Hampshire County, when their 2004 Lexus RX330 struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Route 28, which it failed to maintain properly on the date of the incident. As a result, Claimant's vehicle sustained damages of \$85.12. Since the Claimants carried an automobile insurance deductible of \$500.00, the Court granted an award for the full amount of the damages.

AMOUNT CLAIMED: \$85.12

AMOUNT AWARDED: \$85.12

CC-12-0414 BRENDA BRAGG

The Claimant brought this action for vehicular damage which occurred when her 2002 Chevrolet Trailblazer struck a couch while traveling through a tunnel near Dingess, Mingo County. Evidence at the hearing revealed that the Respondent knew that the tunnel was known to attract pranksters, and that the tunnel had no lighting. The Court held that the Respondent had at least constructive notice that the traveling public experienced an inordinate risk while traveling through the tunnel, and was therefore negligent. As the Claimant carried liability insurance only, the Court granted an award of \$3,756.36 for the total damage to the vehicle's side door panels and front fender.

AMOUNT CLAIMED: \$3,756.36

AMOUNT AWARDED: \$3,756.36

CC-13-0045 DALE D. BROWN SR.

The parties stipulated as follows: The Claimant was traveling along Bethel Road near Osage, Monongalia County, when his 1998 Subaru Forester SW struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Bethel Road, which it failed to maintain properly on the date of the incident. As a result, Claimant's vehicle sustained damages of \$119.00. Since the Claimant carried an automobile insurance deductible of \$500.00, the Court granted an award for the full amount of the damages.

AMOUNT CLAIMED: \$119.00

AMOUNT AWARDED: \$119.00

CC-13-0150 SANDRA BURDETTE

The parties stipulated as follows: The Claimant was traveling along I-79 near Charleston, Kanawha County, when her 2013 Toyota Camry struck a foreign object in the travel portion of the road. Respondent was responsible for the maintenance of I-79, which it failed to maintain properly on the date of the incident. As a result, Claimant's vehicle sustained damages of \$1,254.44. Since the Claimant carried an automobile insurance deductible of \$250.00, the Court granted an award in that amount.

AMOUNT CLAIMED: \$1,254.44

AMOUNT AWARDED: \$250.00

CC-12-0443 BRIAN BURKHAMMER

The Claimant brought this action for vehicular damage which occurred when his 1985 Dodge Omni struck rocks along W.Va. Route 19 near Weston, Lewis County. Evidence at the hearing revealed the presence of a mesh screen along the embankment, which was designed to prevent rocks from falling onto the roadway. The Court held that the Respondent had at least constructive notice of the risk posed by that section of highway, and was therefore negligent. As the Claimant carried liability insurance only, the Court granted an award of \$356.52 for the total damage to the vehicle's muffler, exhaust pipe, and brakes.

AMOUNT CLAIMED: \$356.52

AMOUNT AWARDED: \$356.52

CC-13-0134 RAY A. CADD

The parties stipulated as follows: The Claimant was traveling along Route 6 near Charleston, Kanawha County, when his 1990 Buick Skylark struck a foreign large hole in the travel portion of the road. Respondent was responsible for the maintenance of Route 6, which it failed to maintain properly on the date of the incident. As a result, Claimant's vehicle sustained damages of \$639.60. Since the Claimant carried an automobile insurance deductible of \$500.00, the Court granted an award in that amount.

AMOUNT CLAIMED: \$639.60

AMOUNT AWARDED: \$500.00

CC-11-0577 DARLEEN R. CALDWELL

The parties stipulated as follows: The Claimant is the owner of a certain parcel of property located in St. Albans, Kanawha County. During a substantial rainstorm on July 20, 2010, a wall of water rushed down Claimant's driveway, damaging her property in the amount of \$7,360.00. The Court found that the Respondent was negligent in its maintenance of a culvert, that this negligence was the proximate cause of the damages to the property, and that the sum of \$4,000.00 agreed to by the parties was fair and reasonable.

AMOUNT CLAIMED: \$7,360.00

AMOUNT AWARDED: \$4,000.00

CC-12-0558 KASEY A. TUCKER AND BENJAMIN E. CARPENTER

The parties stipulated as follows: The Claimant was traveling along Old Kanawha Turnpike near South Charleston, Kanawha County, when her 2010 Kia Forte struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Old Kanawha Turnpike, which it failed to maintain properly on the date of the incident. As a result, Claimant's vehicle sustained damages of \$765.10. Since the Claimant carried an automobile collision insurance deductible of \$500.00, the Court granted an award in that amount.

AMOUNT CLAIMED: \$765.10

AMOUNT AWARDED: \$500.00

CC-11-0354 CATHERINE CAULEY

Claimant and Respondent stipulated the facts and amount of this claim in which Claimant's vehicle sustained damages when she was traveling on County Route 5/18 near Hazelton, Preston County, and her vehicle struck a series of large hole in the travel portion of the road. Since Claimant had insurance with a deductible of \$500.00 her recovery is limited to that amount.

AMOUNT CLAIMED: \$559.15

AMOUNT AWARDED: \$500.00

CC 13-0168 RAY O. CHANDLER and EMILY J. CHANDLER

Claimants and Respondent stipulated the facts and amount of this claim for damages to Claimants' vehicle which occurred when they were traveling on Coal Fork Drive in Kanawha County and the vehicle struck a foreign object in the roadway. The Court made an award for the damages in the full amount since this amount was less than Claimants' insurance deductible.

AMOUNT CLAIMED: \$174.90

AMOUNT AWARDED: \$174.90

CC-11-0487 DOLLIE P. CHILDERS

Claimant and Respondent stipulated the facts and damages in this claim which occurred when Claimant was operating her vehicle on Route 10 near Hamlin, Lincoln County, and it struck a large hole in the travel portion of the road. The Court made an award in the amount of \$114.48 for the damages to her vehicle.

AMOUNT CLAIMED: \$114.48

AMOUNT AWARDED: \$114.48

CC-13-0068 ROBERT CHUMNEY

Claimant and Respondent agreed to the facts and circumstances in this claim for damages to Claimant's vehicle which occurred when the vehicle struck a large hole on Route 98 in Harrison County. Since the amount of the claim is less than Claimant's insurance deductible, the Court made an award in the full amount.

AMOUNT CLAIMED: \$275.55

AMOUNT AWARDED: \$275.55

CC-11-0641 LEONARD CLEAVENGER and DONNA CLEAVENGER

Claimants and Respondent stipulated this claim for damages to Claimants' vehicle which occurred on Bridgeport Hill in Harrison County when their vehicle struck a large hole in the travel portion of the roadway. Claimants are limited to an award of \$250.00 which is the insurance deductible for the collision coverage on their vehicle.

AMOUNT CLAIMED: \$376.19

AMOUNT AWARDED: \$250.00

CC-11-0446 SUSAN CLEAVER

Claimant's vehicle sustained damage on Route 23 near Salem, Harrison County, when it struck a large hole in the travel portion of the roadway. The parties stipulated the facts and the amount of the claim. The Court made an award for the full amount of the damages since Claimant carried liability insurance only.

AMOUNT CLAIMED: \$716.54

AMOUNT AWARDED: \$716.54

CC-12-0605 DOUGLAS P. COCHRAN

Claimant and Respondent agreed to stipulate this claim wherein Claimant's vehicle sustained damages when Claimant was driving on Route 16 in Raleigh County and his vehicle went into a pavement defect in the travel portion of the road. The Court made an award for the full amount of his damages since this amount is less than the deductible feature of his insurance policy.

AMOUNT CLAIMED: \$180.31

AMOUNT AWARDED: \$180.31

CC-12-0391 MICHAEL CONTE

Claimant's vehicle sustained damage when he was traveling on Camp Branch Road in Lincoln County and his vehicle struck a large hole. Claimant and Respondent agreed to stipulate this claim and the Court made an award in the amount of Claimant's insurance deductible.

AMOUNT CLAIMED: \$1,508.00

AMOUNT AWARDED: \$500.00

CC-11-0618 ROBERT L. COOK and MICHELLE COOK

Claimants alleged damage to their property when Respondent installed a new pipe system but failed to seal the connection correctly which caused the flooding of their basement and damages thereto. The parties agreed to the facts of the claim and the amount of \$8,000.00 in settlement of this claim. The Court reviewed the claim and made an award for the damages to claimants' property.

AMOUNT CLAIMED: \$12,100.47

AMOUNT AWARDED: \$8,000.00

CC-11-0711 FRANCINE C. COREY

Claimant's vehicle sustained damage when she was driving her vehicle on the I-64 ramp onto MacCorkle Avenue in Charleston, Kanawha County, and the vehicle struck a sign in the travel portion of the ramp. The parties agreed to the facts and to the amount of \$500.00, Claimant's insurance deductible.

AMOUNT CLAIMED: \$765.87

AMOUNT AWARDED: \$500.00

CC-13-0237 ARNOLD LEE COTTRELL JR.

Claimant, Arnold Cottrell Jr., brought this action to recover damages which occurred when his 1987 Toyota Supra struck a series of holes along Clayton Street near Rivesville, Marion County. The Court is of the opinion that Respondent had, at the least, constructive notice of risk posed by the condition of Clayton Street. The volume of the testimony, together with photographic evidence leads the Court to conclude that Respondent was negligent. Thus, Claimant may make a recovery for the damage to his vehicle.

AMOUNT CLAIMED: \$751.00

AMOUNT AWARDED: \$751.00

CC-13-0511 SAMUEL ROBERT COVER AND TERRI LYNN COVER

Claimants, Samuel and Terri Cover, brought this action to recover damages which occurred when their 2007 Saturn Vue struck holes along Broomsage Road near Fairmont, Marion County. The Court is of the opinion that Respondent had, at the least, constructive notice of risk posed by general condition of Broomsage Road. The volume of testimony and photographic evidence leads the Court to conclude that Respondent was negligent. Thus, Claimants may make a recovery for the damage to their vehicle.

AMOUNT CLAIMED: \$551.05

AMOUNT AWARDED: \$500.00

CC-07-0023 CANDICE B. CRANE and KEVIN L. CRANE

Claimants were traveling on Route 9 near Williamsburg in Greenbrier County when their vehicle struck a large hole and sustained damage for which they filed this claim. Respondent and Claimants agreed to the facts of the claim and that the amount of \$500.00, their insurance deductible was fair and reasonable as settlement of the claim. The Court made an award in that amount.

AMOUNT CLAIMED: \$748.23

AMOUNT AWARDED: \$500.00

CC-12-0466 CHARLES S. DAGUE

Claimant and Respondent stipulated this claim for damages to Claimant's vehicle which occurred when his vehicle struck broken edge lines along Route 14 near Sherrard, Marshall County, and sustained damages. The Court made an award in the amount of the damages.

AMOUNT CLAIMED: \$21.20

AMOUNT AWARDED: \$21.20

CC-10-0689 JON DANIELS and JOHNATHAN DANIELS, an infant who sues by and through his parent and next friend, JON DANIELS

Claimant Jon Daniels was operating his vehicle on Route 99 in Boone County with his son, Johnathan Daniels as his passenger, when his vehicle struck a guardrail protruding into his lane of travel causing the vehicle to flip onto its top, onto its right side, and then slid down the lane of the roadway. Both Claimants suffered injuries in this incident. The parties to the claim agreed to

stipulate the facts and damages and the Court made an award after reviewing the claim and the stipulation.

AMOUNT CLAIMED: Unliquidated

AMOUNT AWARDED: Jon Daniels - \$10,850.00
AMOUNT AWARDED: Johnathan Daniels - \$4,150.00

CC-12-0595 PHILLIP E. DAVIS

Claimant was traveling in his vehicle on Ritter Drive in Beaver, Raleigh County, when his vehicle slipped from the travel portion onto an unseen storm drain culvert which was not properly maintained by Respondent. The parties agreed to stipulate this claim in the amount of \$250.00, the Claimant's insurance deductible.

AMOUNT CLAIMED: \$620.94

AMOUNT AWARDED: \$250.00

CC-13-0026 EDGAR K. DICKEN

Claimant and Respondent stipulated this claim wherein Claimant's vehicle sustained damages when it struck a large hole on Route 73 in Monongalia County. The parties agreed that Claimant had liability insurance only so the full amount of the damages was fair and reasonable.

AMOUNT CLAIMED: \$238.20

AMOUNT AWARDED: \$238.20

CC-07-0379 THERESA DILLON

Claimant and Respondent agreed to the facts and amount of this claim which resulted when Claimant's vehicle sustained damage from a large hole while she was driving through the Dingess Tunnel in Mingo County. The parties agreed to the full amount of the claim since Claimant carried liability insurance only.

AMOUNT CLAIMED: \$1,016.54

AMOUNT AWARDED: \$1,016.54

CC-12-0016 KATE NICOLE DOBSON FORMAN

The parties stipulated as follows: On December 30, 2011, the Claimant, Kate Nicole Dobson-Forman, was traveling westbound along I-64 near Dunbar, Kanawha County, when her 2006 Audi TT was struck by a construction cone in the travel portion of the road. Respondent was responsible for the maintenance of I-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 \$1,237.55. The Claimant carried a \$1,000.00 collision insurance deductible amount on the date of the incident; therefore Claimant is limited to an award in that amount. The Court finds that the amount of \$1,000.00 is fair and reasonable.

AMOUNT CLAIMED: \$1,237.55

AMOUNT AWARDED: \$1,000.00

CC-12-0567 SHAYNA DORAZIO

Claimant, Shayna Dorazio, brought this action to recover damages which occurred when her 2012 Mitsubishi Lancer struck rocks along Route 43 near Cheat Lake, Fayette County. The Court is of the opinion that Respondent had, at the least, constructive notice of risk posed by the use of large crusher run limestone. The volume of the testimony together with other evidence leads the Court to conclude that Respondent was negligent. Thus, Claimant may make a recovery for the damage to her vehicle in the amount of her deductible.

AMOUNT CLAIMED: \$5,432.51

AMOUNT AWARDED: \$1,000.00

CC-11-0512 DAVID DOWNWARD

Claimant and Respondent stipulated this claim based upon an accident that occurred when Claimant was operating his motorcycle on Route 35 in Harrison County and he lost control when his cycle struck a hole in the road. The parties agreed to the facts as alleged by Claimant and agreed that the amount of \$15,000.00 for Claimant's physical injuries would be fair and reasonable. The Court reviewed the claim and determined that an award should be made to the Claimant in this claim.

AMOUNT CLAIMED: \$30,000.00

AMOUNT AWARDED: \$15,000.00

CC-12-0249 CHERIE EDWARDS

This claim was submitted upon a stipulation wherein the parties agreed that Claimant's vehicle sustained damage when she was driving on U.S. Route 52 in Cabell County where her vehicle struck a large hole in the travel portion of the highway. The parties agreed to an amount of \$475.00 which is less than her deductible in her insurance policy. The Court made an award to the Claimant based upon the stipulation.

AMOUNT CLAIMED: \$475.00

AMOUNT AWARDED: \$475.00

CC-13-0192 ALPHONSO ERBY

Claimant and Respondent submitted this claim to the Court based upon a stipulation of the facts and damages. Claimant was operating his vehicle on Route 61 near MacCorkle Avenue in Charleston, Kanawha, when it struck a large hole and sustained damage in an amount less than Claimant's deductible feature of his insurance policy. The Court made an award for these damages.

AMOUNT CLAIMED: \$303.94

AMOUNT AWARDED: \$303.94

CC-13-0272 JOYCE ANN FLETCHER and HARRY K. FLETCHER

Claimants, Harry and Joyce Fletcher, brought this action to recover damages which occurred when their 2007 Volkswagen Jetta struck a large hole along Route 82 near Birch River, Nicholas County. The Court is of the opinion that Respondent had, at the least, constructive notice of risk posed by the condition of the roadway. The volume of testimony along with photographic evidence leads the Court to conclude that Respondent was negligent based on these narrow facts. Thus, Claimants may make a recovery for the damage to her vehicle.

AMOUNT CLAIMED: \$1,066.69

AMOUNT AWARDED: \$500.00

CC-11-0464 GREGORY A. FOSTER

Claimant's vehicle sustained damage when he was driving on I-64 in Kanawha County and his vehicle struck debris in the travel portion of the interstate. The parties agreed to the facts in the claim and that Claimant should recover the amount of his deductible which is less than the actual damage amount. The Court made an award for the deductible of \$250.00.

AMOUNT CLAIMED: \$563.47

AMOUNT AWARDED: \$250.00

CC-12-0599 DALE A. FOX

Claimant was driving his vehicle on W. Va. Route 60 near Montgomery, Fayette County, when it struck a large hole in the pavement and sustained damage. The parties stipulated the claim and agreed that Claimant should recover the amount of his deductible rather than the full amount of the damages. The Court made an award limited to the insurance deductible.

AMOUNT CLAIMED: \$1,378.50

AMOUNT AWARDED: \$250.00

CC-13-0476 ALICE J. FOY

Claimant's vehicle sustained damage when she was driving on Route 73 in Monongalia County and her vehicle struck a large hole in the travel portion of the road. The parties stipulated the facts and amount of the claim based upon Claimant's insurance deductible. The Court made an award in that limited amount.

AMOUNT CLAIMED: \$697.58

AMOUNT AWARDED: \$500.00

CC-12-0307 PHILLIP R. FRAZIER

Claimant and Respondent stipulated this claim wherein Claimant's vehicle sustained damages due to a series of holes on Route 24 near Wileyville, Wetzel County. The parties agreed that the damages resulted during a period of time rather than in one particular incident. The Court determined that Claimant should receive an award in the full amount since he had liability only.

AMOUNT CLAIMED: \$631.24

AMOUNT AWARDED: \$631.24

CC-12-0405 RANDY R. GEER and KIMBERLY D. GEER

Claimants' vehicle sustained damage when it struck a cone on I-79 near Lost Creek, Harrison County and the Court made a determination that Respondent had, at the least, constructive notice of the risk posed by a series of cones on the interstate. The Court made an award to Claimants for the damage to their vehicle in the full amount.

AMOUNT CLAIMED: \$935.56

AMOUNT AWARDED: \$935.56

CC-13-0046 ROBERT E. GILKESON

Claimant and Respondent stipulated this claim based upon an incident during which Claimant was operating his vehicle on I-64 in Raleigh County and it struck a lighting unit in the travel portion of the highway. The Court determined that Respondent was negligent in its maintenance of I-64 on this date and made an award to Claimant in the amount of his insurance deductible.

AMOUNT CLAIMED: \$1,645.86

AMOUNT AWARDED: \$500.00

CC-12-0314 DALE GOMBARCIK

The parties stipulated as follows: On April 21, 2012, the Claimant, Dale Gombarcik, was traveling along I-79 near Quiet Dell, Harrison County when his 2008 Ford Taurus struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of I-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 \$167.00. The Claimant carried a \$100.00 collision insurance deductible amount on the date of the incident; therefore, Claimant is limited to an award in the amount of his deductible. The Court finds that the amount of \$161.60 is fair and reasonable.

AMOUNT CLAIMED: \$167.00

AMOUNT AWARDED: \$161.60

CC-13-0392 DAVID W. GREEAR II and JENNIFER ELAINE GREEAR

Claimants' vehicle sustained damage when they were traveling on Marcus Drive in Monongalia County and their vehicle struck a large hole in the travel portion of the road. The parties agreed to the facts in the claim and that the amount of the insurance deductible was fair and reasonable. The Court made an award to the Claimants.

AMOUNT CLAIMED: \$308.89

AMOUNT AWARDED: \$250.00

CC-13-0316 KELLY M. HANNA

Claimant's vehicle sustained damage when she was driving on I-77 near Sissonville, Kanawha County, and her vehicle struck a hole in the travel portion of the her land of travel. The parties stipulated the claim in the amount of the deductible feature of Claimant's insurance.

AMOUNT CLAIMED: \$505.68

AMOUNT AWARDED: \$500.00

CC-13-0122 MELISSA HAPNEY

Claimant and Respondent stipulated this claim for damages to Claimant's vehicle which occurred on Route 25 near Nitro, Kanawha County, and her vehicle struck a hole in the travel portion of the road. Claimant carried liability insurance only so the Court made an award for the damages in the full amount.

AMOUNT CLAIMED: \$100.70

AMOUNT AWARDED: \$100.70

CC-12-0348 JENNIFER HARMON and JIMMY HARMON

Claimant Jennifer Harmon was traveling on Craig Road near Wayne, Wayne County, when her vehicle struck a broken sign post in the travel portion of her lane. The Court made an award based upon a stipulation entered into by the parties for Claimants' insurance deductible of \$500.00.

AMOUNT CLAIMED: \$544.68

AMOUNT AWARDED: \$500.00

CC-13-0218 MATTHEW G. HARPER

Claimant and Respondent agreed to stipulate this claim in the amount of \$424.32 for damages to Claimant's vehicle which occurred when Claimant was driving on I-77 near Goldtown in Jackson County and it struck a hole in Claimant's lane of travel. The Court made an award in full since Claimant's insurance deductible was \$500.00.

AMOUNT CLAIMED: \$424.32

AMOUNT AWARDED: \$424.32

CC-12-0619 LARRY HARRIS

Claimant's vehicle sustained damage when he was driving on W.Va. Route 25 near Nitro, Putnam County, and it struck the sign post remnants in the clear zone of the roadway. Respondent stipulated this claim for the full amount of the damages since it was less than Claimant's deductible of \$250.00. The Court made an award for the damages.

AMOUNT CLAIMED: \$195.57

AMOUNT AWARDED: \$195.57

CC-11-0460 VIRGINIA M. HARRIS

The parties stipulated as follows: The Claimant, Virginia Harris, was traveling along Route 60 near St. Albans, Kanawha County, when her 2006 Volvo S60 struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Route 60, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$1,698.00. The Claimant carried a \$500.00 collision insurance deductible amount on the date of the incident; therefore Claimant is limited to an award in that amount. The Court finds that the amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$1,698.00

AMOUNT AWARDED: \$500.00

CC-13-0035 BRENDA HARSHBARGER

Claimant and Respondent stipulated this claim for damages to Claimant's vehicle which occurred when she was driving on Route 123 in Harrison County and her vehicle struck a large hole in her lane. The parties agreed that Claimant should recover the amount of her deductible of \$500.00 for her damages and the Court made an award in that amount.

AMOUNT CLAIMED: \$550.00

AMOUNT AWARDED: \$500.00

CC-12-0284 VICKY S. HARTLEY and JONATHAN E. HARTLEY

Claimants were traveling on U.S. 19 near Star City, Monongalia County, when their vehicle struck a large hole in the travel portion of their lane. The parties stipulated this claim in the amount of Claimants' insurance deductible and the Court made an award in that amount.

AMOUNT CLAIMED: \$846.62

AMOUNT AWARDED: \$500.00

CC-12-0338 KEVIN HERBAUGH and DEBBIE HERBAUGH

Claimants were traveling on Harrell Road, the only way for ingress and egress to their property, when tires on their vehicle sustained damage from the limestone rock placed on the road by Respondent. This happened to different tires at different times of traveling over this road. The stone was intended to be crusher run, but it had larger pieces of rock mixed into it. The Court determined that an award be made to Claimants based upon constructive notice to Respondent that rocks mixed into the crusher run would damage the tires of a vehicle. However, the Court limited recovery to the amount of their deductible for one of the incidents and the full amount for one tire in another incident.

AMOUNT CLAIMED: \$989.04

AMOUNT AWARDED: \$856.06

CC-13-0043 ROBERT K. HERTZOG and LORI HERTZOG

Claimants and Respondent stipulated this claim for damages incurred by Claimants when they were traveling on Route 73 in Monongalia County and their vehicle struck a large hole in the travel portion of their lane. Claimants did not have collision coverage for this incident so the Court made an award in the full amount of the damages to the vehicle.

AMOUNT CLAIMED: \$1,502.81

AMOUNT AWARDED: \$1,502.81

CC-13-0143 VICKI C. HOLSTEIN

Claimant's vehicle sustained damage when she was traveling on I-64 near Charleston, Kanawha, and her vehicle struck a large rock in the travel portion of her lane. The parties stipulated that the full amount of her loss be the award since her deductible was less than her insurance deductible for collision coverage.

AMOUNT CLAIMED: \$219.56

AMOUNT AWARDED: \$219.56

CC-12-0418 ROBERT L. HORNER

Claimant and Respondent stipulated this claim in the amount of \$172.96 for damages to Claimant's vehicle which occurred when Claimant was traveling on Georgetown Road near Weston in Lewis County. Claimant's vehicle struck a road sign in the travel portion of the roadway. The Court made an award for the damages to Claimant's vehicle based upon the stipulation.

AMOUNT CLAIMED: \$172.96

AMOUNT AWARDED: \$172.96

CC-12-0583 JASON HOWARD

Claimant and Respondent stipulated this claim for damages to Claimant's vehicle which occurred on Robert C. Byrd Drive near Beckley, Raleigh County, when the vehicle struck a large hole in the travel portion of the highway. The damages was less than his insurance collision deductible so the Court made an award for the full amount of the damages.

AMOUNT CLAIMED: \$159.37

AMOUNT AWARDED: \$159.37

CC-13-0273 BONITA HUBBARD

Claimant's vehicle sustained damage when she was traveling on Bratton Street near Princeton, Mercer County, and her vehicle struck a large hole. The parties agreed that Claimant could make a full recovery for the damages which were less than her insurance collision deductible. The Court made an award for the amount agreed to by the parties.

AMOUNT CLAIMED: \$385.80

AMOUNT AWARDED: \$385.80

CC-11-0135 JOSEPH HUTCHINSON and JENNIFER HUTCHINSON

Claimants real property sustained damages when a culvert maintained by Respondent on Aracoma Road in Huntington, Cabell County, became clogged or crushed and caused trash to accumulate on their property as well as causing cracks in concrete on their property and affecting the use and enjoyment of their property. The parties stipulated the amount of the claim and the Court made an award in the amount agreed to by the parties.

AMOUNT CLAIMED: \$500,000.00

AMOUNT AWARDED: \$85,000.00

CC-12-0309 STACY L. JACKSON

The Court made an award to Claimant for damage to her vehicle when she was traveling on Route 36 near Greenwood in Doddridge County and her vehicle struck a large hole as she was attempting to negotiate a curve and the hole was in the shade on the road. Claimant was unfamiliar with this road. The Court determined that Claimant may make a recovery for her loss since this road was in a deteriorated condition due to large oil and gas tanks using the road on a regular basis. Accordingly, Respondent was unable to maintain the road in proper condition.

AMOUNT CLAIMED: \$715.71

AMOUNT AWARDED: \$715.71

CC-12-0562 DAVE JANSSEN and ADRIANE JANSSEN

Claimants and Respondent stipulated this claim for damages to Claimants' vehicle which occurred when they were traveling on Route 131 in Harrison County and the vehicle struck a large hole. The Court determined that Claimants could make a recovery for the amount of their collision deductible as agreed by the parties.

AMOUNT CLAIMED: \$586.18

AMOUNT AWARDED: \$500.00

CC-13-0475 JEREMY JOHNSON

Claimant's vehicle sustained damage when he was operating his vehicle on Route 9 near Berkeley Springs in Morgan County and it struck an "apron" in a state of disrepair adjacent to his driveway which caused damage to his vehicle. The Court determined that he may make a recovery for his loss in the full amount of the damages which was less than his collision deductible because the defect should have been apparent to Respondent even though a contractor had created the defective condition.

AMOUNT CLAIMED: \$364.75

AMOUNT AWARDED: \$364.75

CC-13-0265 ANGELA S. JONES AND RICKY JONES

Claimant, Angela Jones, brought this action to recover damages which occurred when her 2009 Chevrolet Cobalt struck a large hole along Route 61 near East Bank, Kanawha County. The Court is of the opinion that Respondent had, at the least, constructive notice of risk posed by the rocks along the roadway. The volume of testimony along with photographic evidence leads the Court to conclude that Respondent was negligent based on these narrow facts. Thus, Claimant may make a recovery for the damage to her vehicle.

AMOUNT CLAIMED: \$1,143.91

AMOUNT AWARDED: \$1,000.00

CC-13-0333 SHIRLEY A. JONES

Claimant and Respondent agreed to stipulate this claim for damages to her vehicle which occurred when she was driving on Kingwood Pike near Morgantown, Monongalia County, and it struck a large hole in the roadway. The parties agreed to the amount of her deductible and the Court made an award in that amount.

AMOUNT CLAIMED: \$596.65

AMOUNT AWARDED: \$250.00

CC-12-0503 CHARLOTTE KEATON AND BASIL KEATON

Claimant and Respondent stipulated this claim for damages to Claimant's 2004 Oldsmobile Alero which occurred when it struck numerous road defects along Route 26/3 near Hinton, Summers County. Respondent was responsible for the maintenance of Route 26/3, which it failed to maintain properly on the date of the incident. Damage to the vehicle was \$1,176.00, but as Claimant's collision insurance coverage carried a \$500.00 deductible, the Court made an award in that amount.

AMOUNT CLAIMED: \$1,176.00

AMOUNT AWARDED: \$500.00

CC-12-0366 DAVID R. KEITH

Claimant and Respondent stipulated this claim for damages to Claimant's fence caused by a fallen tree limb along U.S. Route 60 near Culloden, Cabell County. Respondent was responsible for the maintenance of the right-of-way along U.S. Route 60, which it failed to maintain properly on the date of the incident. Damage to the fence was \$1,150.10, but as Claimant's homeowner's insurance coverage carried a \$1,000.00 deductible, the Court made an award in that amount.

AMOUNT CLAIMED: \$1,150.10

AMOUNT AWARDED: \$1,000.00

CC-12-0393 ROBERT KELLY

Claimant sought clean-up expenses incurred when a tree, alleged to be owned by Respondent, fell onto his property near South Charleston, Kanawha County. The evidence revealed that after a substantial rainfall, a large oak tree in Respondent's right-of-way became uprooted and fell across a creek on Claimant's property. Concerned that the creek might flood because of the obstruction, Claimant paid \$415.00 for debris and stump removal and disposal. The Court held that Respondent had a duty to remove conditions under its control, and awarded the full amount of the damages.

AMOUNT CLAIMED: \$415.00

AMOUNT AWARDED: \$415.00

CC-12-0578 LISA L. KENNEDY

Claimant's 2005 Chevrolet Cobalt sustained damage along Mason Dixon Highway near Blacksville, Monongalia County, when it struck rocks in the travel portion of the roadway. The Court held that Respondent had at least constructive notice of the risks posed by the rocks due to their size and location, and made an award for the full amount of the damages.

AMOUNT CLAIMED: \$191.31

AMOUNT AWARDED: \$191.31

CC-13-0576 BARBARA L. KING

Claimant and Respondent stipulated this claim for injuries sustained by the Claimant when she tripped and fell on the stub of a utility pole in a parking lot owned by the Respondent in the 9800 block of Pennsylvania Avenue in Charleston, Kanawha County. The lot was leased to Charleston Area Medical Center (CAMC). Sometime prior to June 9, 2008, at the entrance of the parking lot, either Respondent or CAMC cut down a utility pole, leaving a hidden and un-repaired stub in a pedestrian area. Claimant filed a civil action against Respondent and the City of Charleston in Kanawha County Circuit Court. Respondent filed a third-party against CAMC. The City of Charleston was later dismissed without prejudice from the civil action. On October 22, 2013, the Claimant, Respondent, and CAMC mediated the case and agreed that the sum of \$40,000.00 shall be paid to the Claimant for her past pain and suffering, emotional distress, and previously incurred medical bills and expenses. The Court made an award in that amount.

AMOUNT CLAIMED: \$45,000.00

AMOUNT AWARDED: \$40,000.00

CC-11-0601 TIMOTHY W. KNOBLE

Claimant and Respondent stipulated this claim for damages to Claimant's 2007 Saab 97X which occurred when it struck an object in the travel portion of Route 119 near Southridge, Kanawha County. Respondent was responsible for the maintenance of Route 119, which it failed to maintain properly on the date of the incident. Damage to the vehicle was \$149.00, and since the Claimant carried liability insurance only, the Court made an award in that amount.

AMOUNT CLAIMED: \$149.00

AMOUNT AWARDED: \$149.00

CC-12-0456 SHARON KRASYK

Claimant and Respondent stipulated this claim for damages to Claimant's property on 39th Street East in Nitro, Kanawha County. When a pipe on Claimant's property became clogged, a sinkhole developed. As a result, Claimant incurred \$8,500.00 to remediate the sinkhole. The facts revealed that in the past, Respondent had maintained a drainage pipe on adjoining property. Therefore, it was negligent in its failure to maintain this drainpipe, and the parties agreed to a one-time settlement of \$4,250.00.

AMOUNT CLAIMED: \$8,500.00

AMOUNT AWARDED: \$4,250.00

CC-13-0451 ROBERT C. KRUM

The parties stipulated as follows: On July 12, 2013, the Claimant, Robert Krum, was traveling along Stella Street in Parkersburg, Wood County, when his 1999 Buick Park Avenue struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Stella 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 \$285.03. The Claimant carried a \$500.00 collision insurance deductible amount on the date of the incident; therefore, no limitation applies to the Claimant's award. The Court finds that the amount of \$285.03 is fair and reasonable.

AMOUNT CLAIMED: \$285.03

AMOUNT AWARDED: \$285.03

CC-11-0586 MARK T. KYANKO AND MARI J. KYANKO

The driver of Claimants' vehicle, Thomas Kyanko, was traveling with friends along Route 88 near Bethany, Brooke County, when the vehicle came into contact with cement in a construction zone. No warning signs were posted. Respondent contended that Chesapeake Energy Corporation had undertaken the responsibility of maintaining the roadway. The Court held that, given the size of the project, and the Respondent's ability to better pursue indemnification from Chesapeake Energy Corporation, the Respondent had at least constructive notice of the risk, and was therefore negligent. The Court awarded the sum of \$500.00, the amount of the Claimant's insurance deductible.

AMOUNT CLAIMED: \$638.65

AMOUNT AWARDED: \$500.00

CC-13-0231 BILLY JR LANE II

The parties stipulated as follows: On March 26, 2013, the Claimant, Billy Jr Lane II, was traveling along Dawson Drive near Meadowbrook, Harrison County, when his 2005 Ford F-250 struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Dawson Drive, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$1,585.00. The Claimant carried a \$1,000.00 collision insurance deductible amount on the date of the incident; therefore, Claimant is limited to an award in that amount. The Court finds that the amount of \$1,000.00 is fair and reasonable.

AMOUNT CLAIMED: \$1,585.00

AMOUNT AWARDED: \$1,000.00

CC-10-0436 TAMMY LAZZARINE

Claimant and Respondent stipulated this claim for damages to Claimant's 2005 Dodge Caravan which occurred when it struck a large hole in the travel portion of Interstate 64 near milepost 150, White Sulphur Springs, Greenbrier County. Respondent was responsible for the maintenance of Interstate 64, which it failed to maintain properly on the date of the incident. Damage to the vehicle was \$1,073.14, and since the Claimant's collision insurance required a \$1,000.00 deductible, the Court made an award in that amount.

AMOUNT CLAIMED: \$1,073.14

AMOUNT AWARDED: \$1,000.00

CC-13-0264 GEORGETTA LESTER

Claimant and Respondent stipulated this claim for damages to Claimant's 2011 Buick Lacrosse which occurred when it struck a large hole in the travel portion of the roadway near Mabscott, Raleigh County. Respondent was responsible for the maintenance of the roadway, which it failed to maintain properly on the date of the incident. Damage to the vehicle was \$1,805.17, and since the Claimant's collision insurance required a \$1,000.00 deductible, the Court made an award in that amount.

AMOUNT CLAIMED: \$1,805.17

AMOUNT AWARDED: \$1,000.00

CC-14-0070 JEFFREY LEWIS

The parties stipulated as follows: The Respondent owns certain real property situate at the southern end of the Patrick Street Bridge in Charleston, West Virginia ("Property"). On or about June 21, 2011, the Claimant was riding his bicycle across the Property. While riding his bicycle across the Property, the Claimant struck a deep hole concealed by weeds and grass that had overgrown it. The hole trapped the front wheel of the Claimant's bicycle, and the Claimant was thrown to the ground and injured. As a result of the Claimant's injuries, the Claimant sustained damages in excess of \$25,000.00. Based on the parties' investigation, the parties to this claim agree that the total sum of Twenty-Five Thousand Dollars (\$25,000.00) to be paid by to be paid Respondent to the Claimant in this claim will be a full and complete settlement; a compromise and resolution of all matters in controversy between the parties; and a full and complete satisfaction of any and all claims that the Claimant may have against the Respondent arising from the matters described in said claim.

AMOUNT CLAIMED: Unliquidated

AMOUNT AWARDED: \$25,000.00

CC-12-0072 RICHARD LEWIS

Claimant's 2009 Chevrolet Trailblazer sustained damage when it was struck by rocks along W.Va. Route 10 near Man, Logan County. Respondent had been completing construction along a new section of W.Va. Route 10 just above the old one. Rocks were disturbed by the construction and fell to the old road below, damaging Claimant's vehicle in the amount of \$1,656.85. The Court found that the Respondent had at least constructive notice of the risk posed by the construction, and was therefore negligent. The Court made an award of \$500.00, the amount of Claimant's insurance deductible.

AMOUNT CLAIMED: \$1,656.85

AMOUNT AWARDED: \$500.00

CC-12-0128 RICHARD LINVILLE

Claimant and Respondent stipulated this claim for damages to Claimant's 2012 Hyundai Elantra which occurred when it struck a large hole in the travel portion of the roadway along Route 94 near Racine, Boone County. Respondent was responsible for the maintenance of the roadway, which it failed to maintain properly on the date of the incident. Damage to the vehicle was \$582.22, and since the Claimant's collision insurance required a \$500.00 deductible, the Court made an award in that amount.

AMOUNT CLAIMED: \$582.22

AMOUNT AWARDED: \$500.00

CC-12-0312 HAROLD F. LIPSCOMB

The parties stipulated as follows: During a time period spanning from November 2011 to March 2012, the Claimant, Harold Lipscomb, was traveled along Route 73 near Bruceton Mills, Preston County, where his 2000 Ford F-150 struck numerous holes in the travel portion of the road. Respondent was responsible for the maintenance of Route 73, which it failed to maintain properly on the dates surrounding these incidences. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$600.00. The Claimant carried only liability insurance during the dates in question; therefore, no limitation applies to the Claimant's award. The Court finds that the amount of \$600.00 is fair and reasonable.

AMOUNT CLAIMED: \$600.00

AMOUNT AWARDED: \$600.00

CC-13-0249 RICHARD J. LUCAS

Claimant's 2004 Chevrolet Cavalier sustained damage when it struck a guardrail along County Route 54 near Moundsville, Marshall County. While traveling in the northbound lane, Claimant swerved to avoid an oncoming truck in his lane. There was no berm in that section of the roadway. The Court held that Respondent had at least constructive notice of the risk posed by the absence of a berm or clear zone, and was therefore negligent. The Court made an award in the full amount of the damages.

AMOUNT CLAIMED: \$1,188.63

AMOUNT AWARDED: \$1,188.63

CC-12-0336 STEPHANIE LUCAS AND JOSHUA LUCAS

Claimants, Stephanie and Joshua Lucas, brought this action to recover damages which occurred when their 2011 Chevrolet Suburban struck a road sign along Route 10 near Harts, Lincoln County. The Court is of the opinion that Respondent had, at the least, constructive notice of risk posed by the sign. The volume of testimony, together with the Respondent's lack of rebuttal evidence leads the Court to conclude that Respondent was negligent. Thus, Claimants may make a recovery for the damage to their vehicle.

AMOUNT CLAIMED: \$259.95

AMOUNT AWARDED: \$259.95

CC-12-0415 BOB MARTIN

Claimant and Respondent stipulated this claim for damages to Claimant's 2010 Ford F-150 which occurred when it struck debris in the travel portion of the roadway along I-79 near the Prickets Fort Exit, Marion County. Respondent was responsible for the maintenance of the roadway, which it failed to maintain properly on the date of the incident. Damage to the vehicle was \$291.50, and since the Claimant's collision insurance required a \$500.00 deductible, the Court made an award in the full amount of the damages.

AMOUNT CLAIMED: \$291.50

AMOUNT AWARDED: \$291.50

CC-10-0659 TRAVIS E. MARTIN

Claimant and Respondent stipulated this claim for severe injuries sustained by the Claimant when he operated a motorcycle along W.Va. Route 62 in Mason County. When the motorcycle struck a pothole in the travel portion of the roadway, the Claimant lost control and struck the guardrail. He was transported by helicopter for emergency medical treatment. The parties agreed that Respondent was negligent in its maintenance of State Route 62, that said negligence was the proximate cause of the damages sustained, and that the amount of damages agreed to is fair and reasonable.

AMOUNT CLAIMED: \$100,000.00

AMOUNT AWARDED: \$60,000.00

CC-12-0477 CATHERINE D. MCLAUGHLIN

Claimant and Respondent stipulated this claim for damages to Claimant's 2005 Dodge Caravan which occurred when it struck a large hole in the travel portion of the roadway along U.S. Route 50 near Salem, Harrison County. Respondent was responsible for the maintenance of the roadway, which it failed to maintain properly on the date of the incident. Damage to the vehicle was \$557.63, and since the Claimant's collision insurance required a \$500.00 deductible, the Court made an award in that amount.

AMOUNT CLAIMED: \$557.63

AMOUNT AWARDED: \$500.00

CC-13-0129 WILLIAM G. MCLEAN JR.

Claimant and Respondent stipulated this claim for damages to Claimant's 1994 Chevrolet Camaro which occurred when it struck a large depression in the travel portion of the roadway along Route 20 near Buckhannon, Upshur County. Respondent was responsible for the maintenance of the roadway, which it failed to maintain properly on the date of the incident. Damage to the vehicle was \$305.13, and since the Claimant carried only liability insurance, the Court made an award in the full amount of the damages.

AMOUNT CLAIMED: \$305.13

AMOUNT AWARDED: \$305.13

CC-08-0445 WANDA E. MEADOR

Claimant and Respondent stipulated this claim for damages to Claimant's 2005 CLK Cab Mercedes which occurred when it struck a large hole in the travel portion of Scarbro Road near Oak Hill, Fayette County. Respondent was responsible for the maintenance of the roadway, which it failed to maintain properly on the date of the incident. Damage to the vehicle was \$1,700.98, and since the Claimant's collision insurance required a \$250.00 deductible, the Court made an award in the amount of the deductible.

AMOUNT CLAIMED: \$1,700.98

AMOUNT AWARDED: \$250.00

CC-12-0615 SANDRA MEEKS

The parties stipulated as follows: On December 4, 2012, the Claimant, Sandra Meeks, was traveling along Turkey Foot Road near Mineral Wells, Wood County, when her 1999 Chevrolet Blazer struck an exposed pipe in the travel portion of the road. Respondent was responsible for the maintenance of Turkey Foot 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 \$201.40. The Claimant carried a \$250.00 collision insurance deductible amount on the date of the incident; therefore, no limitation applies to the Claimant's award. The Court finds that the amount of \$201.40 is fair and reasonable.

AMOUNT CLAIMED: \$201.40

AMOUNT AWARDED: \$201.40

CC-13-0353 PAUL C. MENDEZ

Claimant and Respondent stipulated this claim for damages to Claimant's 2011 Ford Focus SE which occurred when it struck a patch of wet paint in the travel portion of Charles Avenue near Dunbar, Kanawha County. Respondent was responsible for the maintenance of the roadway, which it failed to maintain properly on the date of the incident. Damage to the vehicle was \$995.15, and since the Claimant's collision insurance required a \$500.00 deductible, the Court made an award in the amount of the deductible.

AMOUNT CLAIMED: \$995.15

AMOUNT AWARDED: \$500.00

CC-12-0531 JERRY MICHAELS AND THERESA MICHAELS

Claimants and Respondent stipulated this claim for damages to Claimants' 2009 Ford Focus which occurred when it struck a large hole in the travel portion of Route 38/6 near Berkeley Springs, Morgan County. Respondent was responsible for the maintenance of the roadway, which it failed to maintain properly on the date of the incident. Damage to the vehicle was \$745.55, and since the Claimants carried a \$1,000.00 collision insurance deductible, the Court made an award in the total amount of the damage.

AMOUNT CLAIMED: \$745.55

AMOUNT AWARDED: \$745.55

CC-13-0064 JOHN DAVID MILLER

Claimant and Respondent stipulated this claim for damages to Claimant's 2012 Toyota Sienna which occurred when it struck debris from a broken water meter in the travel portion of Route 88 near West Liberty, Ohio County. Respondent was responsible for the maintenance of the roadway, which it failed to maintain properly on the date of the incident. Damage to the vehicle was \$153.70, and since the Claimants carried a \$500.00 collision insurance deductible, the Court made an award in the total amount of the damage.

AMOUNT CLAIMED: \$153.70

AMOUNT AWARDED: \$153.70

CC-09-0399 JAMES MONK

The parties stipulated as follows: The Claimant, James M. Monk, owner of property situated at 610 Clearview Heights, Charleston, Kanawha County, brought this claim and alleges that the Respondent caused or negligently failed to respond to a retaining wall issue on Claimant's property which caused and is still causing continuing damage to his property as well as damage to his residence. Respondent was responsible for ensuring that Claimant's property did not become damaged by taking appropriate measures based on accepted highway engineering standards. As a result of this incident, Claimant estimates his damages to be in excess of \$60,000.00. Both parties agree that the amount of \$32,000.00 is a fair and reasonable amount with which to settle this claim. The Court finds that the amount of \$32,000.00 is fair and reasonable.

AMOUNT CLAIMED: \$60,000.00

AMOUNT AWARDED: \$32,000.00

CC-13-0078 MELANIE S. MORRIS

Claimant and Respondent stipulated this claim for damages to Claimant's 2012 Toyota Sienna which occurred when it struck a large hole on the VA Bridge (State Route 98) in Clarksburg, Harrison County. Respondent was responsible for the maintenance of the roadway, which it failed to maintain properly on the date of the incident. Damage to the vehicle was \$1,151.11, and since the Claimant carried a \$2500.00 collision insurance deductible, the Court made an award in the amount of the deductible.

AMOUNT CLAIMED: \$1,151.11

AMOUNT AWARDED: \$327.49

CC-10-0568 BARBARA NISSMAN

Claimant and Respondent stipulated this claim for damages to Claimant's 2003 Jaguar X-Type which occurred when it struck a large hole in the travel portion of Hens Mill Road in Lewisburg, Greenbrier County. Respondent was responsible for the maintenance of the roadway, which it failed to maintain properly on the date of the incident. Damage to the vehicle was \$1,882.69, and since the Claimant carried a \$500.00 collision insurance deductible, the Court made an award in the amount of the deductible.

AMOUNT CLAIMED: \$1,882.69

AMOUNT AWARDED: \$500.00

CC-12-0333 JUDY A. NORTHUP AND RICH NORTHUP

Claimants and Respondent stipulated this claim for damages to Claimants' 2005 Lexus 430 which occurred when it struck a large hole in Jericho Road near Point Pleasant, Mason County. Respondent was responsible for the maintenance of the roadway, which it failed to maintain properly on the date of the incident. Damage to the vehicle was \$858.98, and since the Claimants carried a \$1,000.00 collision insurance deductible, the Court made an award in the total amount of the damages.

AMOUNT CLAIMED: \$858.98

AMOUNT AWARDED: \$858.98

CC-12-0407 DAVID A. NOSS

Claimant and Respondent stipulated this claim for damages to Claimant's 2005 Dodge Grand Caravan which occurred when it struck an improperly sloped portion of the highway along Davisson Run Road in Clarksburg, Harrison County. Respondent was responsible for the maintenance of the roadway, which it failed to maintain properly on the date of the incident. Damage to the vehicle was \$118.78, and since the Claimant carried a \$250.00 collision insurance deductible, the Court made an award in the total amount of the damages.

AMOUNT CLAIMED: \$118.78

AMOUNT AWARDED: \$118.78

CC-12-0288 LAURA MYERS O'HARA

The parties stipulated as follows: On May 15, 2012, the Claimant, Laura O'Hara, was traveling along Sycamore Road near Salem, Harrison County, when her 2008 Subaru Legacy struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Sycamore 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 \$569.28. The Claimant carried liability insurance; therefore, no limitation applies to the Claimant's award. The Court finds that the amount of \$569.28 is fair and reasonable.

AMOUNT CLAIMED: \$569.28

AMOUNT AWARDED: \$569.28

CC-11-0435 JOSEPH R. OJEDA

Claimant's 2005 Ford F-150 sustained damage when it struck broken cement debris in a construction zone along U.S. 119 near Chapmanville, Logan County. While traveling through the zone, Claimant could not avoid the debris, which was created by a milling machine and which had settled in the travel portion of the roadway. The Court held that Respondent had at least constructive notice of the risk posed by the debris, and was therefore negligent. Damage to the vehicle's tire was \$200.00, and since the Claimant carried a collision insurance deductible of \$1,000.00, the Court made an award in the full amount of the damages.

AMOUNT CLAIMED: \$200.00

AMOUNT AWARDED: \$200.00

CC-11-0369 KRISTA OXLEY

Claimant, Krista Oxley, brought this action to recover damages which occurred when her 2001 Nissan Quest struck rocks along U.S. Route 119 near Chapmanville, Logan County. The Court is of the opinion that Respondent had, at the least, constructive notice of risk posed by the rocks along the roadway. The volume of testimony along with photographic evidence leads the Court to conclude that Respondent was negligent based on these narrow facts. Thus, Claimant may make a recovery for the damage to her vehicle.

AMOUNT CLAIMED: \$8,019.36

AMOUNT AWARDED: \$8,019.36

CC-13-0093 LILA STEWART PALUMBO

Claimant and Respondent stipulated this claim for damages to Claimant's 2011 Mercedes G1K which occurred when it struck a large hole in the travel portion of Route 20 near Clarksburg, Harrison County. Respondent was responsible for the maintenance of the roadway, which it failed to maintain properly on the date of the incident. Damage to the vehicle was \$612.57, and since the Claimant carried a \$1,000.00 collision insurance deductible, the Court made an award in the total amount of the damages.

AMOUNT CLAIMED: \$612.57

AMOUNT AWARDED: \$612.57

CC-13-0107 EVAN S. PAULEY

Claimant brought this action to recover for damages to his vehicle which occurred when he was driving on Flaggy Meadow Road in Morgantown, Monongalia County, and he vehicle struck a large rut in the road which caused his vehicle to "slingshot" off the road and into a structure at the side of the road. The Court made an award to Claimant in the amount of his insurance collision deductible for his damages since it determined that Respondent had, at the least, constructive notice of the many ruts in this road which was hazardous to the public using the road.

AMOUNT CLAIMED: \$2,170.48

AMOUNT AWARDED: \$2,000.00

CC-12-0150 WILLIAM J. PERRY

Claimant and Respondent agreed to stipulate this claim for damages to his vehicle which occurred when he was driving on Trick Ridge Road in Dunlow, Wayne County, and his vehicle went over nails in the roadway. The parties agreed to the amount of Claimant's collision deductible feature of his insurance policy and the Court made an award to the Claimant.

AMOUNT CLAIMED: \$1,882.90

AMOUNT AWARDED: \$500.00

CC-12-0009 LAURA ANN PUGH

Claimant and Respondent stipulated this claim for the amount of Claimant's collision insurance deductible when Claimant's vehicle was damaged when she was traveling on Route 100 near Granville, Monongalia County, and it struck a hole in her lane of travel. The Court made an award as agreed to by the parties.

AMOUNT CLAIMED: \$3,331.68

AMOUNT AWARDED: \$500.00

CC-13-0550 JOHN PETER RICHARDSON and PATRICIA A. RICHARDSON

Claimants are the owners of a tract of land in Bluefield, Mercer County, and they also own a separate tract similar to a strip both tracts adjacent to U.S. Route 460. Respondent, 1975, constructed a rock lined ditch on the surface of Claimants' property from its right of way to a sinkhole on property west of Claimants' property for surface water but this water has caused multiple sinkholes to form on Respondent's property, but the sinkhole has now eroded so that it extends onto Claimants' property causing erosion thereto. Claimants have suffered a loss of use and enjoyment of their property as a direct result of the erosion caused by the sinkhole. The parties agreed that Claimants would withdraw two civil suits filed in the Circuit Court of Mercer County and Respondent would not continue with a condemnation action for a portion of Claimants' property if Claimants would settle this claim in the amount of \$160,000.00. The Court reviewed the claim and the agreement of the parties and determined that an award be made to Claimants as agreed to by the parties.

AMOUNT CLAIMED: Unliquidated

AMOUNT AWARDED: \$160,000.00

CC-12-0534 PAUL J. RIGGINS

Claimant's vehicle sustained damage when Claimant was traveling on Irish Ridge Road near Tunnelton, Preston County, and his vehicle struck a large hole in the roadway. Claimant and Respondent stipulated this claim in the amount of Claimant's collision insurance deductible and the Court made an award in that amount.

AMOUNT CLAIMED: \$579.20

AMOUNT AWARDED: \$200.00

CC-13-0374 KAREN S. ROGERSON

Claimant's vehicle sustained damage when she was traveling on I-70 near Elm Grove in Ohio County, and the vehicle struck a sharp object on the interstate in her lane of travel. The parties agreed that Claimant carried liability insurance only so she may recover the full amount of her loss for which the Court made an award.

AMOUNT CLAIMED: \$99.95

AMOUNT AWARDED: \$99.95

CC-13-0125 LISA DIANNE ROTH

Claimant's vehicle was damaged when she was driving on Route 219 near Thomas, Tucker County, and it struck a large piece of debris in the travel portion of the road. The parties agreed to stipulate this claim in the amount of the damages since that amount is less than Claimant's insurance deductible. The Court made an award for the agreed amount.

AMOUNT CLAIMED: \$120.07

AMOUNT AWARDED: \$120.07

CC-13-0262 KENNETH J. ROWBACK

Claimant and Respondent agreed to stipulate this claim for damages to Claimant's vehicle which occurred when he was traveling on Route 219 near Mill Creek, Randolph County, and his vehicle struck a hole in the travel portion of the road. Since Claimant carried liability insurance only, the parties agreed to stipulate the full amount of his damages. The Court made an award in that amount.

AMOUNT CLAIMED: \$1,642.25

AMOUNT AWARDED: \$1,642.25

CC-11-0161 ROXIE M. RUNYON

Claimant and Respondent stipulated this claim for damages to Claimant's vehicle which occurred when she was driving on Route 10 near Ranger in Lincoln County and her vehicle struck a rock in the travel portion of her lane. The Court made an award in the amount of Claimant's collision insurance deductible as agreed to by the parties.

AMOUNT CLAIMED: \$2,860.57

AMOUNT AWARDED: \$500.00

CC-11-0468 JENNY L. SANTILLI

The parties stipulated as follows: On May 27, 2011, the Claimant, Jenny Santilli, was traveling along U.S. Route 50 near Bridgeport, Harrison County, when her 2007 Subaru Impreza struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of U.S. Route 50, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$327.73. The Claimant's collision insurance requires a \$500.00 deductible amount; therefore, no limitation applies to the Claimant's award. The Court finds that the amount of \$327.73 is fair and reasonable.

AMOUNT CLAIMED: \$327.73

AMOUNT AWARDED: \$327.73

CC-13-0241 GLENNA SHAFFER

Claimant, Glenna Shaffer, brought this action to recover damages which occurred when her 2013 Ford Escape Titanium struck a large hole along Route 39 near Summersville, Nicholas County. The Court is of the opinion that Respondent had, at the least, constructive notice of risk posed by the use of deteriorated road conditions along Route 39. Mr. Brown's testimony concerning the heavy use by coal and timber trucks leads the Court to conclude that Respondent was negligent for failing to take adequate measures to prevent the deterioration. Thus, Claimant may make a recovery for the damage to her vehicle in an amount not to exceed her deductible.

AMOUNT CLAIMED: \$1,005.72

AMOUNT AWARDED: \$500.00

CC-10-0502 RONALD R. SHELTZ

The parties stipulated as follows: On April 14, 2010, the Claimant, Ronald Sheltz, was traveling along W. Va. Route 60 near St. Albans, Kanawha County, when his 1999 Chevrolet struck a large hole in the travel portion of the road. This claim arose during the course of an emergency while the Claimant was traveling to the hospital to meet his wife who was undergoing emergency medical treatment. The Claimant was following the ambulance service to the hospital. Respondent admits that it was responsible for the maintenance of W. Va. Route 60, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$1,824.92. The Court finds that the amount of \$1,824.92 is fair and reasonable.

AMOUNT CLAIMED: \$1,824.92

AMOUNT AWARDED: \$1,824.92

CC-13-0211 GREGORY SHIMKO AND DOROTHY SHIMKO

Claimants, Gregory and Dorothy Shimko, brought this action to recover damages which occurred when their 2008 Ford Taurus struck numerous holes along Falls Run Road near Ireland, Braxton County. The Court is of the opinion that Respondent had, at the least, constructive notice of risk posed by the deteriorated condition of Falls Run Road. Mr. Belknap's testimony with regard to the Respondent's knowledge of the slip along Falls Run Road leads the Court to conclude that Respondent was negligent failing to take more precautions. Thus, Claimants may make a recovery for the damage to their vehicle in an amount not to exceed their deductible.

AMOUNT CLAIMED: \$643.19

AMOUNT AWARDED: \$250.00

CC-13-0360 HOWARD L. SHINN

The parties stipulated as follows: On June 19, 2013, the Claimant, Howard Shinn, was traveling northbound along I-79 near Charleston, Kanawha County, when his 2010 Dodge Journey struck an exposed expansion joint in the travel portion of the road. Respondent was responsible for the maintenance of I-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 \$359.40. The Claimant carried a \$1,000.00 collision insurance deductible amount on the date of the incident; therefore, no limitation applies to Claimant's award. The Court finds that the amount of \$359.40 is fair and reasonable.

AMOUNT CLAIMED: \$359.40

AMOUNT AWARDED: \$359.40

CC-13-0307 TYLER J. SHIPP

Claimant brought this action for vehicle damage which occurred when his 1993 Jeep Cherokee Sport struck a protruding stump while traveling along Georgetown Road near Beverly, Randolph County. Claimant testified that he paid \$2,000.00 when he purchased the vehicle, and that the previous owner had essentially sold it at a loss to him. The Court believes that to replace Claimant's vehicle, the Kelly Blue Book value is \$3,035.00. Additionally, Claimant incurred a tow bill in the amount of \$75.00. The Court further believes that the combined total of \$3,110.00 is a fair and reasonable amount with which to compensate the Claimant.

AMOUNT CLAIMED: \$3,110.00

AMOUNT AWARDED: \$3,110.00

CC-12-0450 STEPHEN M. SHOLES AND REBECCA L. SHOLES

Claimants, Stephen and Rebecca Sholes, brought this action to recover property damages which occurred when their home became flooded in Clendenin, Kanawha County. The Claimants allege that the flooding was caused by poor maintenance of a culvert along Thorofare Road. The Court is of the opinion that Respondent had, at the least, constructive notice of risk posed by leaving a heavy piece of grading equipment parked along a priority two road and that it was aware of the possibility that road and culvert damage could occur. The Court finds also that Respondent should have taken necessary steps in order to correct the condition along Thorofare Road and to prevent water damage from occurring to Claimants' property. Thus, the Court finds that the Claimants, based on this set of circumstances, may make a recovery for the damage to their property.

AMOUNT CLAIMED: \$4,010.55

AMOUNT AWARDED: \$4,010.55

CC-13-0179 JENNIFER SIGMAN

The parties stipulated as follows: On February 26, 2013, the Claimant, Jennifer Sigman, was traveling along 40th Street in Nitro, Kanawha County, when her 2011 Volkswagen Jetta struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of 40th 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 \$693.00. The Claimant's collision insurance requires a \$1,000.00 insurance deductible amount; therefore, no limitation applies to the Claimant's award. The Court finds that the amount of \$693.00 is fair and reasonable.

AMOUNT CLAIMED: \$693.00

AMOUNT AWARDED: \$693.00

CC-11-0382 JEREMY D. SIPPLE

The parties stipulated as follows: On May 4, 2011, the Claimant's wife, Rachel Sipple, was traveling along Foster Road near Foster, Boone County, when his 2007 Chrysler Aspen struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Foster Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$2,306.56. The Claimant's collision insurance requires a \$500.00 deductible amount; therefore, Claimant is limited to an award in the amount of the deductible. The Court finds that the amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$2,306.56

AMOUNT AWARDED: \$500.00

CC-13-0118 DENITA SMITH

The parties stipulated as follows: On January 18, 2013, the Claimant, Denita Smith, was traveling along Route 100 near Granville, Monongalia County, when her 2007 Chevrolet Cobalt struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Route 100, 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 \$127.20. The Claimant carried a \$500.00 collision insurance deductible amount on the date of the incident; therefore, no limitation applies to Claimant's award. The Court finds that the amount of \$127.20 is fair and reasonable.

AMOUNT CLAIMED: \$127.20

AMOUNT AWARDED: \$127.20

CC-12-0292 MARY C. SMITH

Claimant, Mary C. Smith, brought this action to recover damages which occurred when her 2010 Nissan Xterra struck rocks along Harrell Road near Lookout, Fayette County. The Court is of the opinion that Respondent had, at the least, constructive notice of risk posed by the use of large crusher run limestone. The Court notes that Danny Hypes, as administrator for Respondent in Fayette County, did everything that he could do given the tools that he had at his disposal. The Court is aware that there just simply are not enough rollers to go around. Nevertheless, given Mr. Hypes's personal observations and admission that a roller should be used in these situations leads the Court to conclude that Respondent was negligent. Thus, Claimant may make a recovery for the damage to her vehicle.

AMOUNT CLAIMED: \$489.90

AMOUNT AWARDED: \$489.90

CC-11-0189 SARAH SNYDER

Claimant, Sarah Snyder, brought this action to recover damages which occurred when her 1999 Ford Ranger struck a road sign along U.S. Route 119 near Ambler Ridge Hill, Roane County. The Court is of the opinion that Respondent had, at the least, constructive notice of risk posed by the broken sign and the general condition of U.S. Route 119. The personal observations of the Respondent's witness along with the photographic evidence leads the Court to conclude that Respondent was negligent, at least in part. Thus, Claimant may make a recovery for the damage to her vehicle. Notwithstanding the negligence of Respondent, the Court is also of the opinion that Claimant was negligent since she was aware of the condition on the roadway and admittedly overcorrected her steering. In a comparative negligence jurisdiction such as West Virginia, a claimant's negligence may reduce or bar recovery in a claim. Based on the above, the Court finds that the Claimant's negligence equals twenty-percent (25%) 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-five percent (75%) of the loss sustained.

AMOUNT CLAIMED: \$15,678.88

AMOUNT AWARDED: \$11,127.75

CC-13-0001 THOMAS SOWERS

The parties stipulated as follows: On December 16, 2012, the Claimant, Thomas Sowers, was traveling along Route 60 near Charleston, Kanawha County, when his 1995 Honda Civic struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Route 60, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$369.51. Claimant carried liability insurance only on the date of the incident, therefore, Claimant is entitled to the full amount of recovery. The Court finds that the amount of \$369.51 is fair and reasonable under these circumstances.

AMOUNT CLAIMED: \$369.51

AMOUNT AWARDED: \$369.51

CC-12-0062 BRITTANY N. STAFFILENO

Claimant, Brittany Staffileno, brought this action to recover damages which occurred when her 2008 Volkswagen Jetta struck a large hole along I-70 near Elm Grove, Ohio County. The Court is of the opinion that Respondent had, at the least, constructive notice of existence of the hole that damaged Claimant's vehicle. The size and extent of the hole in question leads this Court to conclude that Respondent was negligent in this instance and under these limited facts.

AMOUNT CLAIMED: \$606.16

AMOUNT AWARDED: \$500.00

CC-13-0074 KENNETH STAMPER

The parties stipulated as follows: On February 8, 2013, the Claimant, Kenneth Stamper, was traveling along Harry Street in Bluefield, Mercer County, when his 2005 Chevrolet Astro Van struck a bump in the travel portion of the road. Respondent was responsible for the maintenance of Harry 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 \$1,008.66. The Claimant carried a \$200.00 collision insurance deductible amount on the date of the incident; therefore, Claimant is limited to an award in the amount of his deductible. The Court finds that the amount of \$200.00 is fair and reasonable.

AMOUNT CLAIMED: \$1,008.66

AMOUNT AWARDED: \$200.00

CC-12-0379 SANDRA J. FITTRO AND CHRIS STEFFICH

The parties stipulated as follows: On February 29, 2012, the Claimants, Sandra J. Fittro and Chris Steffich, were traveling along Route 4 near Clarksburg, Harrison County, when their 2011 Ford Fusion struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Route 4, 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 \$667.49. The Claimants carried a \$250.00 collision insurance deductible amount on the date of the incident; therefore, Claimants are limited to an award in the amount of their deductible. The Court finds that the amount of \$250.00 is fair and reasonable.

AMOUNT CLAIMED: \$667.49

AMOUNT AWARDED: \$250.00

CC-11-0658 RICHARD STOTLER

The parties stipulated as follows: On October 27, 2011, the Claimant, Richard Stotler, was traveling along Highland Ridge Road near Berkeley Springs, Morgan County, when his 2006 Saturn Ion struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Highland Ridge Road, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$697.00. The Claimant carried a \$250.00 collision insurance deductible amount on the date of the incident; therefore, Claimant is entitled to an award in the amount of his deductible only. The Court finds that the amount of \$250.00 is fair and reasonable.

AMOUNT CLAIMED: \$697.00

AMOUNT AWARDED: \$250.00

CC-13-0455 GREGORY L. STREET

Claimant, Gregory Street, brought two companion claims to recover damages which occurred when his 2001 Chevrolet Suburban and 2004 Mercedes Benz endured contacts with holes and ruts along Route 75/4, also designated Mayfield Road, near Morgantown, Monongalia County. the Court is of the opinion that Respondent had actual notice of the risks posed by the deteriorating condition of Mayfield Road. The testimony of the Claimant as it relates to his repeated conversations with Respondent's agents leads the Court to conclude that Respondent was negligent for failure to take precautions. Thus, Claimant may make a recovery for the damage to his vehicles. Since Claimant carried only liability insurance on his Chevrolet Suburban, he is entitled to the full amount of damages in that claim, and Claimant will be entitled to an amount equal to his collision deductible for the claim made for his Mercedes Benz. Based on the foregoing, it is the opinion of the Court of Claims that the Claimant should be awarded the sum of \$398.57 and \$500.00 respectively.

AMOUNT CLAIMED: \$398.57

AMOUNT AWARDED: \$398.57

CC-13-0450 GREGORY L. STREET

Claimant, Gregory Street, brought two companion claims to recover damages which occurred when his 2001 Chevrolet Suburban and 2004 Mercedes Benz endured contacts with holes and ruts along Route 75/4, also designated Mayfield Road, near Morgantown, Monongalia County. the Court is of the opinion that Respondent had actual notice of the risks posed by the deteriorating condition of Mayfield Road. The testimony of the Claimant as it relates to his repeated conversations with Respondent's agents leads the Court to conclude that Respondent was negligent for failure to take precautions. Thus, Claimant may make a recovery for the damage to his vehicles. Since Claimant carried only liability insurance on his Chevrolet Suburban, he is entitled to the full amount of damages in that claim, and Claimant will be entitled to an amount equal to his collision deductible for the claim made for his Mercedes Benz. Based on the foregoing, it is the opinion of the Court of Claims that the Claimant should be awarded the sum of \$398.57 and \$500.00 respectively.

AMOUNT CLAIMED: \$500.00

AMOUNT AWARDED: \$500.00

CC-12-0604 RINDA FAYE STUMP

The parties stipulated as follows: On November 29, 2012, the Claimant, Rinda Faye Stump, was traveling along Joe Cooper Farm Road near White Oak, Raleigh County, when her 2008 Ford Taurus struck a large rock in the clear zone of the road. Respondent was responsible for the maintenance of Joe Cooper Farm 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 \$173.84. The Claimant's collision insurance requires a \$250.00 deductible amount; therefore, no limitation applies to the Claimant's award. The Court finds that the amount of \$173.84 is fair and reasonable.

AMOUNT CLAIMED: \$173.84

AMOUNT AWARDED: \$173.84

CC-13-0077 BRUCE TALAGO

The parties stipulated as follows: On February 1, 2013, the Claimant, Bruce Talago, was traveling along Route 20 in Bridgeport, Harrison County, when his 1999 Volkswagen Beetle struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Route 20, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$511.03. The Claimant carried only liability insurance; therefore, no limitation applies to the Claimant's award. The Court finds that the amount of \$511.03 is fair and reasonable.

AMOUNT CLAIMED: \$511.03

AMOUNT AWARDED: \$511.03

CC-13-0016 JAMIE TALLMAN

The parties stipulated as follows: On December 31, 2012, the Claimant, Jamie Tallman, was traveling along Route 42 near Mount Storm, Grant County, when his 1992 Dodge Ram struck a dislodged road reflector in the travel portion of the road. Respondent was responsible for the maintenance of Route 42, 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 \$330.00. The Claimant carried only liability automobile insurance; therefore, no limitation applies to the Claimant's award. The Court finds that the amount of \$330.00 is fair and reasonable.

AMOUNT CLAIMED: \$330.00

AMOUNT AWARDED: \$330.00

CC-13-0082 RALPH THOMAS

The parties stipulated as follows: The Claimant, Ralph Thomas, was traveling along an undisclosed roadway near Jacksonburg, Tyler County, when his Ford F-350 struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of roadway, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$1,623.99. The Claimant carried a \$1,000.00 collision insurance deductible amount on the date of the incident; therefore, Claimant is limited to an award in that amount. The Court finds that the amount of \$1,000.00 is fair and reasonable.

AMOUNT CLAIMED: \$1,623.99

AMOUNT AWARDED: \$1,000.00

CC-13-0227 HOWARD G. THOMPSON

The parties stipulated as follows: On April 5, 2013, the Claimant, Howard Thompson, was traveling along Route 60 near Charleston, Kanawha County, when his 1998 Cadillac Seville SLS struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Route 60, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$600.50. The Claimant carried a \$500.00 collision insurance deductible amount on the date of the incident; therefore, Claimant is limited to an award in the amount of his deductible. The Court finds that the amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$600.50

AMOUNT AWARDED: \$500.00

CC-12-0598 GEORGE TODD

Claimant, George Todd, brought this action to recover damages which occurred when his 1994 Ford truck struck large ruts along U.S. Route 50 near Reynoldsville, Harrison County. The Court is of the opinion that Respondent had, at the least, constructive notice of risk posed by the use of large crusher run limestone. The volume of the testimony leads the Court to conclude that Respondent was negligent. The Court further recognizes that Respondent is better situated to bear the loss due to its ability to seek indemnification from the third party permittee. Thus, Claimant may make a recovery for the damage to his vehicle based on these narrow facts.

AMOUNT CLAIMED: \$745.00

AMOUNT AWARDED: \$500.00

CC-12-0561 WILLIAM TONEY

The parties stipulated as follows: On August 7, 2012, the Claimant, William Toney, was traveling along W. Va. Route 62 near Rock Branch, Putnam County, when his 2009 Suzuki M50 struck a large crack in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 62, 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 \$2,251.69. The Claimant carried liability insurance only on the date of the incident; therefore, no limitation applies to the Claimant's award. The Court finds that the amount of \$2,251.69 is fair and reasonable.

AMOUNT CLAIMED: \$2,251.69

AMOUNT AWARDED: \$2,251.69

CC-12-0239 FRED RICHARD TRAVIS SR.

The parties stipulated as follows: On March 27, 2012, the Claimant, Fred Travis, was traveling along Route 73 in Harrison County, near Fairmont, when his 2006 Volkswagen Jetta struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Route 73, 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 \$285.50. The Claimant carried a \$100.00 collision insurance deductible amount on the date of the incident; therefore, Claimant is limited to an award in the amount of his deductible. The Court finds that the amount of \$100.00 is fair and reasonable.

AMOUNT CLAIMED: \$285.50

AMOUNT AWARDED: \$100.00

CC-12-0591 LEORA VINCENT

Claimant, Leora Vincent, brought this action to recover damages which occurred when her 2005 Pontiac G6 GT struck a large hole along Route 6 near Fairmont, Marion County. The Court is of the opinion that Respondent had, at the least, constructive notice of risk posed by the condition of Route 6. The volume of testimony, together with photographic evidence leads the Court to conclude that Respondent was negligent. Thus, Claimant may make a recovery for the damage to her vehicle.

AMOUNT CLAIMED: \$1,206.30

AMOUNT AWARDED: \$250.00

CC-13-0121 PATRICIA A. WAGERS

Claimant, Patricia Wagers, brought this action to recover damages which occurred when her 2011 Ford Escape was struck by a rock along Route 52 near Maybeury, McDowell County. The Court is of the opinion that Respondent had, at the least, constructive notice of risk posed by the rock slide. The volume of the testimony, together with photographs and reports of prior knowledge of the Respondent leads the Court to conclude that Respondent was negligent. Thus, Claimant may make a recovery for the damage to her vehicle as well as the out of pocket costs associated with her car rental.

AMOUNT CLAIMED: \$1,172.19

AMOUNT AWARDED: \$500.00

CC-12-0600 SAMANTHA WATSON

Claimant, Samantha Watson, brought this action to recover damages which occurred when her 2007 Ford Taurus struck rocks along I-79 near Jane Lew, Lewis County. The Court is of the opinion that Respondent had, at the least, constructive notice of risk posed by the rocks along I-79 on the date of the incident. The volume of the testimony together with Respondent's work records leads the Court to conclude that Respondent was negligent. Thus, Claimant may make a recovery for the damage to her vehicle. Claimant may also make a recovery for the cost to rent a vehicle while her vehicle was being repaired because Claimant did not have car rental insurance at the time of this incident.

AMOUNT CLAIMED: \$4,449.57

AMOUNT AWARDED: \$880.72

CC-11-0664 CHRIS WEBB

The parties stipulated as follows: On May 18, 2011, the Claimant, Chris Webb, was traveling along W. V. Route 19 near Spencer, Roane County, when his 2001 Subaru struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of W. Va. Route 19, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$204.53. The Claimant carries liability insurance only; therefore, no limitation applies to the Claimant's award. The Court finds that the amount of \$204.53 is fair and reasonable.

AMOUNT CLAIMED: \$204.53

AMOUNT AWARDED: \$204.53

CC-12-0488 JERRY L. WELCH JR.

The parties stipulated as follows: On September 2, 2012, the Claimant, Jerry Welch, was traveling along Willow Way near Harmony Grove, Taylor County, when his 2000 Mazda Protege struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Willow Way, 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 \$148.40. The Claimant carried only liability insurance on the date of the accident; therefore, no limitation applies to the Claimant's award. The Court finds that the amount of \$148.40 is fair and reasonable.

AMOUNT CLAIMED: \$148.40

AMOUNT AWARDED: \$148.40

CC-13-0495 ANGIE WELLS

The parties stipulated as follows: On June 9, 2013, the Claimant, Angie Wells, was traveling in Williamstown, Wood County, when her 2005 Mercedes Benz struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of the roadway, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimant's vehicle sustained damage in the amount of \$617.71. The Claimant carried a \$1,000.00 collision insurance deductible amount on the date of the incident; therefore, no limitation applies to the Claimant's award. The Court finds that the amount of \$617.71 is fair and reasonable.

AMOUNT CLAIMED: \$617.71

AMOUNT AWARDED: \$617.71

CC-11-0649 LORETTA JUNE WESTFALL

The parties stipulated as follows: The Claimant is the owner of a mobile home located on a certain parcel of property located in or near Clarksburg, West Virginia. Claimant has alleged that in the early morning of September 15, 2011, a large oak tree fell onto Claimant's mobile home causing substantial damage to the mobile home, including the destruction and loss of two rooms, a bathroom and a hallway. Claimant has alleged that the oak tree was on Respondent's right of way and that the tree was decayed. As such, Claimant alleges that the Respondent is liable for the damages to her mobile home. Claimant has sought Fifty Four Thousand Four Hundred Twelve Dollars (\$54,412.00) in damages. The Respondent has denied liability in this matter and has asserted that the oak tree was felled as a result of a particularly strong storm. Both the Claimant and the Respondent believe that in this particular incident and under these particular circumstances that an award of Eight Thousand Dollars and 00/100 cents (\$8,000.00) would be a fair and reasonable amount to settle Claimant's claim for damages. The parties to this claim agree that the total sum of Eight Thousand Dollars and 00/100 (\$8,000.00) to be paid by Respondent to the Claimant in Claim No. CC-11-0649 will be a full and complete settlement, compromise and resolution of all matters in controversy in said claim and full and complete satisfaction of any and all past and future claims Claimant may have against Respondent arising from the matters described in said claim.

AMOUNT CLAIMED: \$54,412.00

AMOUNT AWARDED: \$8,000.00

CC-12-0475 SHARON R. WHITE

Claimant, Sharon White, brought this action to recover damages which occurred when her 2007 Ford 500 was struck by debris along Interstate 64 near Hurricane, Putnam County. The Court is of the opinion that Respondent had, at the least, constructive notice of condition along I-64. Respondent and West Virginia Paving are jointly and severally liable for the condition of the roadway and should have coordinated in such a way as to provide notice to each other so that precautions were taken to avoid risk to the public. Thus, Claimant may make a recovery for the damage to her vehicle.

AMOUNT CLAIMED: \$100.00

AMOUNT AWARDED: \$100.00

CC-13-0291 BRANDON WILHITE

Claimant, Brandon Wilhite, brought this action to recover damages which occurred when his 2005 Dodge Ram struck mud along Route 9 near Athens, Mercer County, causing him to strike a tree. The Court is of the opinion that Respondent had, at the least, constructive notice of risk posed by recently cleared ditches. Based on Mr. Ricks's testimony concerning the recent completion of the cleaning project and based on the common assumption that loose debris and mud from recently cleared ditches will enter the roadway after a rain event, the Court concludes that Respondent was negligent. Thus, Claimant may make a recovery for the damage to his vehicle.

AMOUNT CLAIMED: \$5,275.30

AMOUNT AWARDED: \$5,275.30

CC-13-0015 RORY T. WILLIAMS

The parties stipulated as follows: On December 7, 2012, the Claimant, Rory Williams, was traveling along Route 19 near Clarksburg, Harrison County, when his 2010 Ford F-150 struck an object in the travel portion of the road. 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, Claimant's vehicle sustained damage in the amount of \$227.44. The Claimant carried a \$500.00 collision insurance deductible amount; therefore, Claimant is entitled to a full recovery. The Court finds that the amount of \$227.44 is fair and reasonable.

AMOUNT CLAIMED: \$227.44

AMOUNT AWARDED: \$227.44

CC-13-0076 THOMAS D. WILLIS AND DUSTY WILLIS

The parties stipulated as follows: On January 30, 2013, the Claimants, Thomas and Dusty Willis, were traveling along County Route 19/2 near Enterprise, Harrison County, when their 2008 Hyundai Accent struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of County Route 19/2, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimants' vehicle sustained damage in the amount of \$767.34. The Claimants carried a \$250.00 collision deductible amount on the date of the incident; therefore, Claimants are limited to an award in the amount of their deductible. The Court finds that the amount of \$250.00 is fair and reasonable.

AMOUNT CLAIMED: \$767.34

AMOUNT AWARDED: \$767.34

CC-12-0453 VICKI WISEMAN

The parties stipulated as follows: On August 4, 2012, the Claimant, Vicki Wiseman, was traveling along Route 9 near Joetown, Marion County, when her 1999 Harley Davidson Sportster struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Route 9, 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 \$388.50. The Claimant's collision insurance requires a \$250.00 deductible amount; therefore, Claimant is limited to an award in that amount. The Court finds that the amount of \$250.00 is fair and reasonable.

AMOUNT CLAIMED: \$388.50

AMOUNT AWARDED: \$250.00

CC-12-0285 TIFFANY WOLFE

The parties stipulated as follows: On May 4, 2012, the Claimant, Tiffany Wolfe, was traveling along Route 612 in Fayette County, when her 2012 Volkswagen GLI struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Route 612, 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 \$646.49. The Claimant's collision insurance requires a \$500.00 deductible amount; therefore, Claimant is limited to recovery in the amount of her deductible. The Court finds that the amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$646.49

AMOUNT AWARDED: \$500.00

CC-12-0433 JANICE L. WOLFORD AND ROBERT E. WOLFORD

The parties stipulated as follows: On June 29, 2012, the Claimants, Robert and Janice Wolford, were exiting I-79 at the State Route 33 Exit (Exit 139) near Fairmont, Marion County, when their 2006 Jeep Grand Cherokee was struck by a falling piece of concrete from the overpass. Respondent was responsible for the maintenance of I-79, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimants' vehicle sustained damage in the amount of \$2,365.34. The Claimants carried a \$500.00 collision insurance deductible amount on the date of the incident; therefore, Claimants are limited to an award in the amount of their deductible. The Court finds that the amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$2,365.34

AMOUNT AWARDED: \$500.00

CC-13-0464 TODD A. WOOD AND RACHEL M. WOOD

The parties stipulated as follows: On June 13, 2013, the Claimants, Todd and Rachel Wood, were traveling along Sunset Beach Road near Morgantown, Monongalia County, when their 2012 BMW 528xi struck a large hole in the travel portion of the road. Respondent was responsible for the maintenance of Sunset Beach 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 \$2,230.05. The Claimants carried a \$500.00 collision insurance deductible amount on the date of the incident; therefore, Claimants are limited to an award in that amount. The Court finds that the amount of \$500.00 is fair and reasonable.

AMOUNT CLAIMED: \$2,230.05

AMOUNT AWARDED: \$500.00

CC-09-0331 JEFFREY YORTY AND ANN YORTY

The parties stipulated as follows: On May 29, 2009, the Claimants, Jeffrey and Ann Yorty, were traveling along the entrance ramp to I-79 South in Monongalia County, WV, when their 2000 Dodge Caravan Sport struck a displaced sign in the travel portion of the road. Respondent was responsible for the maintenance of I-79, which it failed to maintain properly on the date of this incident. As a result of this incident, Claimants' vehicle sustained damage in the amount of \$1,218.72. The Claimants carried only liability insurance on the date of the incident; therefore, no limitation applies to the Claimant's award. The Court finds that the amount of \$1,218.72 is fair and reasonable.

AMOUNT CLAIMED: \$1,218.72

AMOUNT AWARDED: \$1,218.72

CC-12-0459 MATTHEW J. YOUST AND TRACY D. YOUST

Claimants brought this action for vehicle damage which occurred when their 2007 Ford Explorer was damaged in an incident on Pleasant Hill Road in Morgantown, Monongalia County. The Court is of the opinion that respondent had, at the least, constructive notice of the condition of Pleasant Hill Road and the condition of the berm. Since this is a narrow road, the condition of the berm created a hazard to the traveling public, and the Court finds respondent negligent in its maintenance of the road on the date of the incident herein.

AMOUNT CLAIMED: \$648.38

AMOUNT AWARDED: \$500.00

CLAIMS AGAINST THE DIVISION OF JUVENILE SERVICES

CC-13-0095 RONALD HAMBLETON

Claimant, Ronald Hambleton, an inmate at Huttonsville Correctional Center, brought this claim to recover the value of a \$50.00 money order that he alleges were converted by Respondent while being transferred between facilities. In the present claim, the evidence adduced at the hearing established that Claimant and Respondent had created a bailor/bailee relationship and that Respondent had a duty to return Claimant's items upon arrival at Huttonsville Correctional Center. Therefore, the Court finds that Respondent is liable for Claimant's missing money order.

AMOUNT CLAIMED: \$50.00

AMOUNT AWARDED: \$50.00

CLAIMS AGAINST THE DIVISION OF MOTOR VEHICLES

CC-13-0474 LINSEY AND ELIZABETH DEGARMO

Claimants seek to recover \$250.00 for taxes that should have been refunded, but which were not by the Respondent. In its Answer, Respondent admits the validity of the claim as well as the amount with respect to the taxes paid in the amount of \$250.00. Respondent further states that there were sufficient funds expired in that appropriate fiscal year from which the invoice could have been paid.

AMOUNT CLAIMED: \$250.00

AMOUNT AWARDED: \$250.00

CC-13-0319 MICKY LEIGH JENKS

Claimant seeks to recover \$650.00 for damages incurred as a result of the Respondent's issuance of the wrong vehicle tags and registration card. In its Answer, Respondent admits liability in this claim and stipulates to an award in the amount of \$565.00, which is agreeable to the Claimant. The Court finds that this amount is fair and reasonable.

AMOUNT CLAIMED: \$650.00

AMOUNT AWARDED: \$565.00

CC-11-0350 JODY JOHNSON

Claimant, Jody Johnson, the sole proprietor of an automobile dealership, brought this action to recover damages which occurred when the Respondent, Division of Motor Vehicles ("DMV"), processed and delivered certificate of title to the Claimant's buyer, because the title should have been delivered to Claimant, as lien holder, pending full satisfaction of the financing agreement, and because the buyer converted and sold the vehicle without first having satisfied the security agreement. Under the Uniform Commercial Code, claims for lost profits on a breach of contract action are routinely upheld and proper. However, in the present case, we are presented with a fact scenario that involves a third party to a contract who negligently interfered with the contract between Claimant and buyer. Thus, the remedy of lost profits cannot apply to this claim, because this cause of action is not breach of contract, and the claim is not against the buyer. It follows, therefore, that any measure of damages must be the actual cost of the van when purchased from the automobile auction less the first installment payment received from buyer.

AMOUNT CLAIMED: \$4,250.00

AMOUNT AWARDED: \$2,081.76

CLAIMS AGAINST THE REAL ESTATE COMMISSION

CC-13-0565 PUBLIC EMPLOYEES INSURANCE AGENCY

Claimant seeks to recover \$2,371.07 for Respondent's share of employee premiums for health coverage provided by Claimant and documented by appropriate invoices. In its Amended Answer, Respondent admits the validity of the claim as well as the amount with respect to its share of the employee premiums it owes in the sum of \$2,371.07, and states that there were sufficient funds expired in the appropriate fiscal year from which the invoices could have been paid.

AMOUNT CLAIMED: \$2,371.07

AMOUNT AWARDED: \$2,371.07

**CLAIMS AGAINST THE REGIONAL JAIL AND CORRECTIONAL FACILITY
AUTHORITY**

CC-13-0463 DICKIE ALTIZER

Claimant, an inmate at the Southwestern Regional Jail at the time of the incident, seeks \$4.42 for playing cards that he alleges were improperly converted by the Respondent. At a hearing on this matter, which was held telephonically in Charleston on September 12, 2013, counsel for the Respondent stipulated to liability and damages in the full amount of Claimant's claim.

AMOUNT CLAIMED: \$4.42

AMOUNT AWARDED: \$4.42

CC-12-0539 VINCENT B. BANKS

Claimant, an inmate at Northern Regional Jail at the time of the incident, seeks to recover \$500.00 for an item of personal property that was never returned to him. In its Answer, Respondent admits the validity of the claim and that the amount is fair and reasonable with regard to the loss of property. 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: \$500.00

AMOUNT AWARDED: \$500.00

CC-13-0032 JOSEPH L. CIRIGLIANO

Claimant, an inmate at Martinsburg Correctional Center at the time of the incident, seeks to recover \$329.84 for items of personal property that were never returned to him upon being transferred from Eastern Regional Jail. After hearing the evidence, Respondent admitted the validity of the claim and that the amount is fair and reasonable with regard to the loss of property. 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: \$329.84

AMOUNT AWARDED: \$329.84

CC-12-0086 DAVID L. GALE

Claimant, an inmate of the Respondent agency at the time of the incident, seeks to recover \$93.00 for a work shirt and shorts that were inventoried but never returned. Respondent admits the validity of the claim and that the amount is fair and reasonable with regard to the loss of property. 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: \$93.00

AMOUNT AWARDED: \$93.00

CC-13-0366 JOHN M. GOLASZEWSKI

Claimant, an inmate of the Respondent agency at the time of the incident, seeks to recover \$120.00 for cash that was never returned to him. Respondent admits the validity of the claim and that the amount is fair and reasonable with regard to the loss of property. 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: \$120.00

AMOUNT AWARDED: \$120.00

CC-12-0019 ZACK MCCLENDON

Claimant, an inmate at South Central Regional Jail at the time of the incident, seeks to recover \$271.36 for items of personal property that were never returned to him. At hearing, Respondent admitted the validity of the claim and that the amount is fair and reasonable with regard to the loss of property. 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: \$271.36

AMOUNT AWARDED: \$271.36

CC-13-0393 MICHAEL SAMS

Claimant, an inmate at Northern Correctional Facility at the time of the incident, seeks to recover \$46.92 for items that were ordered , paid for, but never delivered to Claimant. At the hearing of this matter, Respondent admitted the validity of the claim and that the amount is fair and reasonable with regard to the loss of property. 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: \$46.92

AMOUNT AWARDED: \$46.92

CLAIMS AGAINST THE STATE OF WEST VIRGINIA

CC-09-0284 WANDA CARNEY

The Claimant, Wanda Carney, filed the instant claims pursuant to W. Va. Code §14-2-13a and under this Court's general jurisdiction, seeking damages for her wrongful conviction and for her loss of liberty associated with serving 120 days of home confinement, which was wrongly imposed on her by the Circuit Court of Mingo County. In light of the nature of the deprivation suffered by Claimant, and after considering the unique facts and circumstances of her claim, and the record in its entirety, including the findings of the Supreme Court of Appeals of West Virginia, the Court finds that an award in the amount of \$48,000.00 should be made to Claimant Carney.

AMOUNT CLAIMED: Unliquidated

AMOUNT AWARDED: \$48,000.00

CC-09-0285 BETTY JARVIS

The Claimant, Betty Jarvis, filed the instant claims pursuant to W. Va. Code §14-2-13a and under this Court's general jurisdiction, seeking damages for the wrongful conviction and for her loss of liberty associated with serving 120 days of home confinement, which was wrongly imposed on her by the Circuit Court of Mingo County. In light of the nature of the deprivation suffered by Claimant, and after considering the unique facts and circumstances of each of her claim, and the record in its entirety, including the findings of the Supreme Court of Appeals of West Virginia, the Court finds that an award in the amount of \$57,000.00 should be made to Claimant Jarvis.

AMOUNT CLAIMED: Unliquidated

AMOUNT AWARDED: \$57,000.00