

IN THE COURT OF COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

JAMES P. MOSURE,	:	Case No. 14-CV-7516
	:	
PLAINTIFF,	:	
	:	
v.	:	JUDGE COCROFT
	:	
OHIO BUREAU OF MOTOR VEHICLES,	:	
	:	
DEFENDANT.	:	

**DECISION AND ENTRY GRANTING DEFENDANT’S MOTION
TO DISMISS
FILED AUGUST 18, 2014**

This matter is before the Court on the defendant’s, Ohio Bureau of Motor Vehicles (“BMV”), unopposed motion to dismiss for lack of subject matter jurisdiction filed on August 18, 2014. Specifically, the BMV asserts that the Ohio Court of Claims has exclusive jurisdiction over all suits against the state for money damages.

The plaintiff, James Mosure, initiated this action against the BMV on July 21, 2014, seeking \$750,000 in damages for pain and suffering due to having to ride his bike in the winter since the mid-1990s. In the complaint, the plaintiff alleges that the BMV has refused to reissue his driver’s license contrary to a statement from the Delaware County Clerk of Courts. Thereafter, the BMV filed a motion to dismiss the plaintiff’s complaint under Civ. R. 12(B)(1) for lack of subject matter jurisdiction. The plaintiff failed to respond to the motion.

“The issue of subject-matter jurisdiction involves ‘a court’s power to hear and decide a case on the merits and does not relate to the rights of the parties.’” *Columbus Green Bldg. Forum v. State*, 2012-Ohio-4244, 980 N.E.2d 1, ¶ 14 (10th Dist.), quoting *Vedder v. Warrensville Hts.*, 8th Dist. Cuyahoga No. 81005, 2002-Ohio-5567, ¶ 14. In

considering whether to dismiss a claim for lack of subject-matter jurisdiction under Civ.R. 12(B)(1), a trial court must determine whether the claim raises any action cognizable in that court. *Wash. Mut. Bank v. Beatley*, 10th Dist. Franklin No. 06AP-1189, 2008-Ohio-1679, ¶ 8.

The Court of Claims has exclusive, original jurisdiction over civil actions against the state for money damages that sound in law. *Measles v. Indus. Comm'n of Ohio*, 128 Ohio St.3d 459, 2011-Ohio-1523, 946 N.E.2d 204, ¶ 7; R.C. 2743.02 and 2743.03. There is no doubt that the plaintiff's complaint seeks money damages that sound in law. Likewise, there is no doubt that the BMV is a division of the Ohio Department of Public Safety. See *State ex rel. Motor Carrier Serv. v. Rankin*, 135 Ohio St.3d 395, 2013-Ohio-1505, 987 N.E.2d 670, ¶ 6. As a division of a department of the state, an action filed against the BMV is an action filed against the state. (As used in R.C. Chapter 2743 "State" means, inter alia, "all departments, boards, offices, commissions, agencies, institutions, and other instrumentalities of the state." R.C. 2743.01(A)). Accordingly, because the Court of Claims has exclusive jurisdiction over the plaintiff's claims for money damages against the state, this Court must dismiss his complaint for lack of subject matter jurisdiction. The defendant's motion to dismiss under Civ.R. 12(B)(1) is

GRANTED.

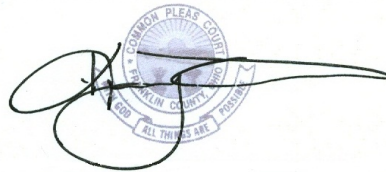
IT IS SO ORDERED.

Copies to all parties.

Franklin County Court of Common Pleas

Date: 01-12-2015
Case Title: JAMES P MOSURE -VS- OHIO STATE BUREAU MOTOR
VEHICLES
Case Number: 14CV007516
Type: DECISION/ENTRY

It Is So Ordered.

A handwritten signature in black ink is written over a circular blue seal. The seal contains the text "FRANKLIN COUNTY OHIO" and "ALL THINGS ARE POSSIBLE".

/s/ Judge Kimberly Cocroft

Court Disposition

Case Number: 14CV007516

Case Style: JAMES P MOSURE -VS- OHIO STATE BUREAU
MOTOR VEHICLES

Case Terminated: 08 - Dismissal with/without prejudice

Motion Tie Off Information:

1. Motion CMS Document Id: 14CV0075162014-08-1899960000

Document Title: 08-18-2014-MOTION TO DISMISS

Disposition: MOTION GRANTED