

[Cite as *Park v. Ohio Dept. of Transp.*, 2002-Ohio-5901.]

IN THE COURT OF CLAIMS OF OHIO

KARMIN A. PARK	:	
11120 Pekin Road	:	
Newburg, Ohio 44065	:	Case No. 2001-10379-AD
Plaintiff	:	ORDER DISMISSING
	:	PLAINTIFF'S CASE
v.	:	
OHIO DEPT. OF TRANSPORTATION	:	
Defendant	:	

: : : : : : : : : : : : : : : :

For Defendant: Beth A. Dinsmore
ODOT Court of Claims Coordinator
Department of Transportation
1980 West Broad Street
Columbus, Ohio 43223

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{¶1} THE COURT FINDS THAT:

{¶2} 1) On October 22, 2001, plaintiff, Karmin A. Park, filed a complaint against defendant, Department of Transportation. Plaintiff submitted the filing fee with the complaint;

{¶3} 2) On August 20, 2002, defendant filed a motion to dismiss stating this claim was paid by Northern Ohio Paving Company;

{¶4} 3) On August 19, 2002, plaintiff received a check from Northern Ohio Paving Company in the amount of \$190.00 as a full and final release of the claim against defendant;

{¶5} 4) Plaintiff has not responded to defendant's motion to dismiss.

{¶6} THE COURT CONCLUDES THAT:

{¶7} 1) R.C. 2743.02(D) in pertinent part states: "Recoveries against the state shall be rendered by the aggregate of insurance proceeds, disability awards, or other collateral recovery received by the claimant.";

{¶8} 2) The money received from Northern Ohio Paving Company is a recovery from a collateral source.

{¶9} IT IS ORDERED THAT:

{¶10} 1) Defendant's motion to dismiss is GRANTED;

{¶11} 2) Plaintiff's case is DISMISSED;

{¶12} 3) The court shall absorb the court costs for this case in excess of the filing fee.

DANIEL R. BORCHERT
Deputy Clerk

DRB/laa
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