

[Cite as *Selers v. Dept. of Transp.*, 2002-Ohio-6396.]

IN THE COURT OF CLAIMS OF OHIO

BETH A. SELERS	:	
1368 Cranover Road	:	
Lyndhurst, Ohio 44124	:	Case No. 2001-11359-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} On November 23, 2001, plaintiff, Beth A. Selers, filed a complaint against defendant, Department of Transportation;

{¶3} On October 8, 2002, defendant filed a motion to dismiss stating this claim was paid by Northern Ohio Paving Company;

{¶4} On October 8, 2002, plaintiff received payment in the amount of \$632.28 from Northern Ohio Paving Company as a full and final release of the claim against defendant;

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

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{¶6} THE COURT CONCLUDES THAT:

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

{¶9} IT IS ORDERED THAT:

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

{¶11} Plaintiff's case is DISMISSED;

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

DANIEL R. BORCHERT
Deputy Clerk

DRB/laa
11/1
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