

[Cite as *Ward v. Dept. of Transp. Dist. 3*, 2002-Ohio-6408.]

IN THE COURT OF CLAIMS OF OHIO

ELIZABETH S. WARD :
765 West Walnut Street Apt. C :
Indianapolis, Indiana 46202 : Case No. 2002-05069-AD

Plaintiff : ORDER DISMISSING
 : PLAINTIFF'S CASE

v. :

DEPARTMENT OF TRANSPORTATION :
DISTRICT 3 :

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 May 20, 2002, plaintiff, Elizabeth S. Ward, filed a complaint against defendant, Department of Transportation. Plaintiff submitted the filing fee with the complaint;

{¶3} On July 22, 2002, defendant filed a motion to dismiss stating this claim was paid by United Rentals, Inc.;

{¶4} On July 19, 2002, plaintiff signed a full and final release of the claim against defendant in consideration for \$200.00;

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

{¶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 United Rentals, Inc. 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
10/30
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