

[Cite as *Daniels v. Dept. of Transp.*, 2002-Ohio-6418.]

IN THE COURT OF CLAIMS OF OHIO

VIRGINIA E. DANIELS :
1421 New England Dr. S.E.
North Canton, Ohio 44720 : Case No. 2002-07410-AD

Plaintiff : ORDER DISMISSING
PLAINTIFF'S CASE

v. :

OHIO DEPARTMENT 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 August 19, 2002, plaintiff, Virginia E. Daniels, 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 Office of Risk Management;

{¶4} On September 30, 2002, plaintiff received payment from the Office of Risk Management in the amount of \$1,932.17 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 the Office of Risk Management 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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