

[Cite as *Hutson v. Ohio Dept. of Transp.*, 2003-Ohio-100.]

IN THE COURT OF CLAIMS OF OHIO

DENNIS L. HUTSON	:	
26381 Briardale Avenue	:	
Euclid, Ohio 44132	:	Case No. 2001-11677-AD
Plaintiff	:	ORDER DISMISSING
	:	PLAINTIFF'S CASE
v.	:	
OHIO DEPT. OF TRANSPORTATION	:	
Defendant	:	

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

For Defendant: Lisa J. Conomy, Chief Legal Counsel
Department of Transportation
1980 West Broad Street
Columbus, Ohio 43223

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{¶1} THE COURT FINDS THAT:

{¶2} 1) On December 5, 2001, plaintiff, Dennis L. Hutson, filed a complaint against defendant, Department of Transportation;

{¶3} 2) On December 4, 2002, defendant filed a motion to dismiss stating this claim was paid by Northern Ohio Paving Company;

{¶4} 3) Check no. 1280, in the amount of \$679.25, was sent to plaintiff 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
12/17
Filed 1/7/03
Jr. Vol. 729, Pgs. 124-125
Sent to S.C. reporter 1/14/03