

[Cite as *Grass v. Ohio Dept. of Transp.*, 2003-Ohio-595.]

IN THE COURT OF CLAIMS OF OHIO

LILLIAN A. GRASS	:	
4526 W. 14 <sup>th</sup> Street	:	
Cleveland, Ohio 44109	:	Case No. 2002-10186-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  
: : : : : : : : : : : : : : :

{¶1} THE COURT FINDS THAT:

{¶2} 1) On November 20, 2002, plaintiff, Lillian A. Grass, filed a complaint against defendant, Department of Transportation;

{¶3} 2) On December 19, 2002, defendant filed a motion to dismiss stating this claim was paid by Skyway Industrial Painting and Contracting, Inc.;

{¶4} 3) On December 15, 2002, check number 2055 in the amount of \$256.59, 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 Skyway Industrial Painting and Contracting, Inc. 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  
1/10  
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