

[Cite as *Pirie v. Ohio Dept. of Transp.*, 2004-Ohio-205.]

IN THE COURT OF CLAIMS OF OHIO

ALEXANDER IAN PIRIE	:	
Plaintiff	:	
v.	:	CASE NO. 2003-09394-AD
OHIO DEPT. OF TRANSPORTATION	:	<u>ENTRY OF DISMISSAL</u>
Defendant	:	

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{¶1} On December 5, 2003, defendant filed a motion to dismiss, stating this claim was paid by Shelley & Sands, defendant contractor's insurance company Zurich American Insurance. Plaintiff submitted a letter dated November 22, 2003, acknowledging he received a settlement check from Zurich American Insurance Co. R.C. 2743.02(D) in pertinent part states: "Recoveries against the state shall be reduced by the aggregate of insurance proceeds, disability award or other collateral recovery received by the claimant." Upon review, the court finds that the money received by plaintiff is a recovery from a collateral source. Accordingly, defendant's motion is GRANTED and plaintiff's case is DISMISSED. The court shall absorb the court costs for this claim in excess of the filing fee.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

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