

[Cite as *Walters v. Ohio Dept. of Transp.*, 2004-Ohio-5419.]

IN THE COURT OF CLAIMS OF OHIO

CHARLES E. WALTERS	:	
Plaintiff	:	
v.	:	CASE NO. 2004-06011-AD
OHIO DEPARTMENT OF TRANSPORTATION, DISTRICT 12	:	<u>ENTRY OF DISMISSAL</u>
Defendant	:	
:	:	
:	:	
:	:	
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{¶ 1} On May 24, 2004, plaintiff filed a complaint against defendant, Department of Transportation, alleging on April 28, 2004, his vehicle was damaged as the result of a paint over spray in a line striping operation. On September 3, 2004, defendant filed a motion to dismiss, stating the damage to plaintiff's vehicle has been repaired and the cost of the repair was assumed by TraffTech, Inc., the contractor in charge of the painting operation. Defendant submitted a copy of an invoice #2147 from Team 2000 Express Car Care Center revealing that the damage to plaintiff's vehicle had been repaired. Plaintiff has not responded to defendant's motion to dismiss. 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 repairs received by plaintiff and paid for by a third party is a recovery from a collateral source. Accordingly, defendant's motion to dismiss is GRANTED and plaintiff's case is DISMISSED. The court shall absorb the court costs for this claim in excess of the filing fee. The clerk shall serve upon all parties notice of this entry of dismissal and its date of entry upon the journal.

DANIEL R. BORCHERT

Deputy Clerk

Entry cc:

Charles E. Walters
2964 Tall Tree Trail
Willoughby Hills, Ohio 44092

Plaintiff, Pro se

Thomas P. Pannett, P.E.
Department of Transportation
1980 West Broad Street
Columbus, Ohio 43223

For Defendant

DRB/laa
9/14
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