

[Cite as *Porter v. Ohio Dept. of Transp.*, 2004-Ohio-7321.]

IN THE COURT OF CLAIMS OF OHIO

SHERRY PORTER :
Plaintiff :
v. : CASE NO. 2004-09215-AD
OHIO DEPARTMENT OF : ENTRY OF DISMISSAL
TRANSPORTATION, DISTRICT 10 :
Defendant :
: : : : : : : : : : : : : : : :

{¶ 1} On December 1, 2004, defendant filed a motion to dismiss, stating this claim was paid by National Engineering & Contracting Co. On November 12, 2004, check no. 62628 in the amount of \$540.00 was sent to plaintiff as a full and final release of the claim against defendant. 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 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 of this case. 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

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ENTRY

Entry cc:

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12/5
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