

[Cite as *Withey v. Ohio Dept. of Transp.*, 2005-Ohio-3218.]

IN THE COURT OF CLAIMS OF OHIO

WENDY WITHEY	:	
Plaintiff	:	
v.	:	CASE NO. 2005-02095-AD
OHIO DEPARTMENT OF TRANSPORTATION, DISTRICT 4	:	<u>ENTRY OF DISMISSAL</u>
Defendant	:	

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{¶ 1} On April 7, 2005, defendant filed a motion to dismiss, stating the claim was paid on March 30, 2005, by Cincinnati Insurance Company insurer of The Velotta Company, defendant's contractor. 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 to dismiss is GRANTED and plaintiff's case is DISMISSED. The court shall absorb the court costs of 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

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ENTRY

Entry cc:

Wendy Withey
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Deerfield, Ohio 44411

Plaintiff, Pro se

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For Defendant

DRB/laa
5/24
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