

[Cite as *Jones v. Ohio Dept. of Transp.*, 2005-Ohio-451.]

IN THE COURT OF CLAIMS OF OHIO

WILLIAM R. JONES, et al. :

Plaintiffs :

v. : CASE NO. 2004-08570-AD

OHIO DEPT. OF TRANSPORTATION : ENTRY OF DISMISSAL

Defendant :

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{¶ 1} On November 16, 2004, defendant filed a motion to dismiss, stating this claim was paid by the insurance carrier for Right A Way Construction. On November 2, 2004, plaintiff, Susan Jones, submitted a letter revealing she received \$753.00 from the insurance carrier for Right A Way Construction for resolution of this matter. 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 recovery from a collateral source. Accordingly, defendant's motion is GRANTED and plaintiffs' case is DISMISSED. The court shall absorb the court costs for 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

Entry cc:

William R. Jones
Susan R. Jones

Plaintiffs, Pro se

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12/8
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