

# Court of Claims of Ohio

The Ohio Judicial Center  
65 South Front Street, Third Floor  
Columbus, OH 43215  
614.387.9800 or 1.800.824.8263  
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RICHARD A. NELSON

Plaintiff

v.

DEPT. OF TRANSPORTATION

Defendant

Case No. 2006-06272-AD

Deputy Clerk Daniel R. Borchert

## ENTRY OF DISMISSAL

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{¶1} On December 7, 2006, defendant filed a motion to dismiss, stating this claim was paid by The Shelly Company. On December 5, 2006, check no. 3469 in the amount of \$1,435.83 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 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 for this claim. The clerk shall serve upon all parties notice of this entry of dismissal and its date of entry upon the journal.

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DANIEL R. BORCHERT  
Deputy Clerk

[Cite as *Nelson v. Dept. of Transp.*, 2006-Ohio-7128.]

Entry cc:

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DRB/laa  
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