

[Cite as *Brown v. Ohio Dept. of Transp.*, 2006-Ohio-7142.]

IN THE COURT OF CLAIMS OF OHIO

JOHNNA BROWN :
 :
 Plaintiff :
 :
 v. : CASE NO. 2005-10128-AD
 :
 DEPARTMENT OF TRANSPORTATION : ENTRY OF DISMISSAL
 :
 Defendant :

: : : : : : : : : : : : : : :

{¶ 1} On January 13, 2006, defendant filed a motion to dismiss, stating this claim was paid by defendant's contractor, Stanley Miller Construction Co. On December 29, 2005, check number 136201 in the amount of \$396.82 was sent to plaintiff as a full and final release of the claim against defendant. Plaintiff signed a letter dated January 30, 2005, accepting this money as a 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 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.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Johnna Brown
2 Academy Street
Salineville, Ohio 43945

Plaintiff, Pro se

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

For Defendant

DRB/1aa
2/21
Filed 3/17/06
Sent to S.C. reporter 4/7/06