

[Cite as *Bray v. Ohio Dept. of Transp.*, 2006-Ohio-7174.]

IN THE COURT OF CLAIMS OF OHIO

MILLICENT A. BRAY :  
 :  
 Plaintiff :  
 :  
 v. : CASE NO. 2005-11001-AD  
 :  
 DEPARTMENT OF TRANSPORTATION : ENTRY OF DISMISSAL  
 :  
 Defendant :

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

{¶ 1} On February 3, 2006, defendant filed a motion to dismiss, stating the plaintiff and The Shelly Company had settled this matter in the amount of \$246.27. On February 15, 2006, defendant submitted a release signed by both parties. 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 settlement 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 for 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.

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DANIEL R. BORCHERT  
Deputy Clerk

Entry cc:

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Plaintiff Pro se

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For Defendant

DRB/laa  
4/11  
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