

[Cite as *Balon v. Ohio Dept. of Transp.*, 2006-Ohio-7213.]

IN THE COURT OF CLAIMS OF OHIO

REBECCA W. BALON :
:
Plaintiff :
:
v. : CASE NO. 2006-01297-AD
:
OHIO DEPARTMENT OF : ENTRY OF DISMISSAL
TRANSPORTATION :
:
Defendant :
:
: : : : : : : : : : : : : : : : : :

{¶ 1} On April 27, 2006, defendant filed a motion to dismiss, stating this claim was paid by Miller-Mason Paving Company's insurance carrier Cincinnati Insurance Company. Cincinnati Insurance Company paid plaintiff, Rebecca W. Balon, \$1,184.00 as the result of the August 29, 2005, incident which was the subject of this case. This amount was given 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 that the money received by plaintiff 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.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Rebecca W. Balon
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Plaintiff, Pro se

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For Defendant

DRB/laa
6/29
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