

[Cite as *Phillips v. Ohio Dept. of Transp.*, 2006-Ohio-7221.]

IN THE COURT OF CLAIMS OF OHIO

BRYAN PHILLIPS :  
Plaintiff :  
v. : CASE NO. 2006-03214-AD  
OHIO DEPARTMENT OF : ENTRY OF DISMISSAL  
TRANSPORTATION :  
Defendant :

{¶ 1} On May 12, 2006, defendant filed a motion to dismiss, stating this claim was paid by Kokosing Construction Company, Inc. On May 8, 2006, check no. 654756 in the amount of \$382.37, 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 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.

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ENTRY

DANIEL R. BORCHERT  
Deputy Clerk

Entry cc:

Bryan Phillips  
530 Cherry Street  
Marion, Ohio 43302

Plaintiff, Pro se

Thomas P. Pannett, P.E.  
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1980 West Broad Street  
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For Defendant

DRB/laa  
6/29  
Filed 7/13/06  
Sent to S.C. reporter 3/22/07