

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
www.cco.state.oh.us

SEAN C. YATES

Case No. 2006-05454-AD

Plaintiff

Deputy Clerk Daniel R. Borchert

v.

ENTRY OF DISMISSAL

OHIO DEPARTMENT OF
TRANSPORTATION, DISTRICT 12

Defendant

{¶1} On December 7, 2006, defendant filed a motion to dismiss, stating this claim was paid by Kenmore Construction. On November 29, 2006, plaintiff signed a full and final release of the claim against defendant in consideration for \$698.34. 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. 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

CC:

Sean C. Yates
1624 Compton Road
Cleveland Heights, Ohio 44118

[Cite as *Yates v. Ohio Dept. of Transp.*, Dist. 12, 2007-Ohio-650.]

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