

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

ROGER E. TROIKE

Case No. 2006-06574-AD

Plaintiff

Deputy Clerk Daniel R. Borchert

v.

ENTRY OF DISMISSAL

DEPT. OF TRANSPORTATION

Defendant

{¶1} On December 7, 2006, defendant filed a motion to dismiss, stating this claim was paid by Erie Blacktop, Inc. On November 30, 2006, check no. 63876 in the amount of \$250.00, 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. 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:

Roger E. Troike
1009 Maple Avenue
Sandusky, Ohio 44870

Thomas P. Pannett, P.E.

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| Case No. 2006-06574-AD | - 2 - | ENTRY |
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Assistant Legal Counsel
Department of Transportation
1980 West Broad Street
Columbus, Ohio 43223

DRB/laa
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