

[Cite as *Calmeese v. Ohio Dept. of Transp.*, 2007-Ohio-7224.]

# 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](http://www.cco.state.oh.us)

LARRY J. CALMESE

Plaintiff

v.

OHIO DEPT. OF TRANSPORTATION

Defendant

[Cite as *Calmes v. Ohio Dept. of Transp.*, 2007-Ohio-7224.]

Case No. 2007-06659-AD	- 3 -	ENTRY
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Case No. 2007-06659-AD

Clerk Miles C. Durfey

ENTRY OF DISMISSAL

{¶1} On November 1, 2007, defendant filed a motion to dismiss, stating this claim was paid by The Shelly Company. On October 19, 2007, check number 1161097144 in the amount of \$1,936.96, 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.

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MILES C. DURFEY  
Clerk

Entry cc:

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