

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

DANIEL MAGGARD

Case No. 2007-08431-AD

Deputy Clerk Daniel R. Borchert

Plaintiff

ENTRY OF DISMISSAL

v.

OHIO DEPARTMENT OF TRANSPORTATION

Defendant

{¶1} On December 20, 2007, defendant filed a motion to dismiss, stating this claim was paid by Sunesis Construction Company. On December 14, 2007, check no. 053421 in the amount of \$367.81, 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.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Daniel Maggard
62 Marian Lane
Terrace Park, Ohio 45174

Thomas P. Pannett
Department of Transportation
1980 West Broad Street
Columbus, Ohio 43223

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DRB/laa

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