

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

DAVID LINDEN SHARP

Plaintiff

v.

OHIO DEPARTMENT OF TRANSPORTATION

Defendant

Case No. 2007-07736-AD

Deputy Clerk Daniel R. Borchert

ENTRY OF DISMISSAL

{¶1} On November 16, 2007, defendant filed a motion to dismiss, stating this claim was paid by the Office of Risk Management. On October 19, 2007, warrant no. 0516300, in the amount of \$100.00, 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. On November 16, 2007, defendant submitted a motion to add the Office of Risk Management as a co-defendant. The court does not see the necessity of adding the Office of Risk Management as a party in this case, when that office has acted as a collateral source in this case. Accordingly, defendant's motion to add is MOOT. Accordingly, defendant's motion to dismiss 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

Case No.2007-07736-AD	- 2 -	ENTRY
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Entry cc:

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DRB/laa
1/25
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