

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

SHANE PATRICK SPENCER

Plaintiff

v.

OHIO DEPARTMENT OF TRANSPORTATION

Defendant

Case No. 2007-07744-AD

Deputy Clerk Daniel R. Borchert

ENTRY OF DISMISSAL

{¶1} On November 30, 2007, defendant filed a motion to dismiss, stating this claim was settled to the plaintiff's satisfaction when defendant's contractor Geronimo Painting removed paint from his vehicle. This action constituted 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 action taken by Geronimo Paving constitutes 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:

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Case No.2007-07744-AD	- 2 -	ENTRY
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