

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

WILLIAM F. MIKESELL

Plaintiff

v.

OHIO DEPARTMENT OF
Case No. 2009-04882-AD

Deputy Clerk Daniel R. Borchert

ENTRY OF DISMISSAL
TRANSPORTATION

Defendant

{¶ 1} On June 10, 2009, defendant filed a motion to dismiss, stating this claim was paid by Cincinnati Insurance Companies, the insurer of Shelly & Sands, Inc. On May 26, 2009, check no. 110938917 in the amount of \$346.13, 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

cc:

William F. Mikesell

Thomas P. Pannett

Case No.2009-04882-AD

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ENTRY

6440 Wooded View
Hudson, Ohio 44236

Department of Transportation
1980 West Broad Street
Columbus, Ohio 43223

DRB/laa
8/6
Filed 8/28/09
Sent to S.C. reporter 12/23/09