

# 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

MARY L. COPELAND

Plaintiff

v.

DEPARTMENT OF TRANSPORTATION

Defendant

Case No. 2010-08438-AD

Deputy Clerk Daniel R. Borchert

## MEMORANDUM DECISION

### FINDINGS OF FACT

{¶ 1} 1) Plaintiff, Mary L. Copeland, filed this action against defendant, Department of Transportation (ODOT), contending her 2006 Chevrolet HHR was damaged as a proximate cause of negligence on the part of ODOT in maintaining a hazardous condition in a construction area on State Route 161/US Route 33 in Franklin County. Plaintiff requested damages in the amount of \$125.86. The filing fee was paid.

{¶ 2} 2) ODOT filed an investigation report requesting plaintiff's claim be dismissed, advising the claim was paid and settled by ODOT contractor Trucco Construction Co., Inc. Defendant provided a copy of check number 80044 issued to plaintiff by Trucco Construction Co., Inc. in the amount of \$125.86.

### CONCLUSIONS OF LAW

{¶ 3} 1) 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.

# 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

MARY L. COPELAND

Plaintiff

v.

DEPARTMENT OF TRANSPORTATION

Defendant

Case No. 2010-08438-AD

Deputy Clerk Daniel R. Borchert

## ENTRY OF ADMINISTRATIVE DETERMINATION

Having considered all the evidence in the claim file and, for the reasons set forth in the memorandum decision filed concurrently herewith, plaintiff's claim 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:

Mary L. Copeland  
17170 Middleburg P.C. Road  
Marysville, Ohio 43040

Jerry Wray, Director  
Department of Transportation  
1980 West Broad Street  
Columbus, Ohio 43223

RDK/laa

1/26

Filed 2/8/11

Sent to S.C. reporter 4/29/11