

[Cite as *Luta v. Ohio Dept. of Transp.*, 2005-Ohio-1073.]

IN THE COURT OF CLAIMS OF OHIO

GARY LUTA :  
Plaintiff :  
v. : CASE NO. 2004-10396-AD  
OHIO DEPT. OF TRANSPORTATION : ENTRY OF DISMISSAL  
Defendant :

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{¶ 1} On January 19, 2005, defendant filed a motion to dismiss, stating this claim was paid by The Velotta Company. On December 20, 2004, a release was signed by plaintiff for payment of \$892.52 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.

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DANIEL R. BORCHERT  
Deputy Clerk

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ENTRY

Entry cc:

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2/7  
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